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The Week

AMONG the many recent indications of a morbid and headstrong egotism on the part of the French nationalists, none is more astounding and sinister than M. Poincaré's speech at Dunkirk. On that occasion he repeated the long story of the aggression of the English against France and their stubborn effort to control the port of Dunkirk as an historical illustration and a justification by analogy for what the French are now doing to Germany. What was his purpose in dwelling so emphatically on this particular historical lesson? By using it he could hardly expect to strengthen the French case against Germany. For the whole point of the story was that even though a fortified Dunkirk was dangerous to the safety of England, it was imperialist aggression on her part to convert her own safety into an excuse for claiming power and protection at the expense of the people of Dunkirk. He seems, consequently, to have gone to this particular spot and delivered a speech of this kind deliberately for the purpose of recalling French grievances against England and picturing the English to the French people as their ancient and inveterate enemy. It is extraordinary that the French nationalists should reproduce so fatally the achievement of the Pan-Germans in slowly but inexorably making themselves intolerable to the peoples whose friendship they most need.

IN the Los Angeles municipal elections, according to a World dispatch, the Nation and the New Republic enjoy the honor of figuring as a political issue. During the war the two journals were excluded from the public school libraries because their stand on the war did not suit certain school officials of the city. This action was offensive to a great many citizens of Los Angeles, not because of any special regard for the periodicals in question, but because they believed that political intolerance, carried to the extreme of official censorship, is un-American and prejudicial to the good name of a representative American city. They are now demanding that the Nation and the New Republic be restored to their natural place in the libraries. We take this opportunity to express our high regard for their liberalism and sound Americanism. We are aware of the fact that we figure in the case only incidentally; that most of those who are supporting the return of the New Republic to the libraries never read us, and would disagree with us violently if they did. They are standing for a principle, and we are proud to march forward in whatever capacity with a just principle.

WE cannot omit so good an occasion for paying our respects to our enemies. They threw us out of the libraries because they did not like our attitude on the war. Did the New Republic oppose American participation in the war? No; it estranged all its pacifist friends by urging the duty of America to accept the German challenge. Did it oppose conscription? No; it was one of the most active advocates of conscription. Did it oppose the war revenue acts? No; it urged heavier taxes instead. But it demanded a definition of war aims—a demand bitterly resented by the propagandists for British, French and Italian imperialism, who wanted America to fight for democracy

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and win a victory that they could turn to imperialistic aggrandizement. The propagandists were more eloquent than we, and succeeded in taking in our Los Angeles critics and millions of other good Americans, with the result that our "war for democracy" is regarded throughout the world as the grimmest joke in history. The New Republic urged carrying on the war up to the point where the legitimate war aims of the Allies should be won, and no longer. Thereby it gained the enmity of the bitter-enders, who believed that a lasting peace could be dictated to an enemy absolutely prostrate. We did not, and the present state of Europe bears witness to the soundness of our view. In the essential points at issue between our Los Angeles critics and ourselves, our critics were wrong, and they know it. But instead of admitting it in a manly fashion, they are trying to salvage their faces by drumming up new charges, of "Socialism" and of presenting "to the immature minds of their children" an "insidious propaganda" "for altering the established theory of American government." The children of parents capable of such nonsense must be immature indeed, if there is anything in heredity. As any reader of the New Republic knows, we are not Socialists, and we are intense partisans of liberal democracy, the established theory of American government. We thank our critics for the charge of insidiousness. Would that some Burbank would cross them with our other critics who persist in charging us with brutal bluntness. We should be swamped with new supporters.

IN one important respect Lord Robert Cecil's speeches in this country on behalf of the League of Nations have lacked both candor and reality. He has called attention with eloquence and force to the condition of Europe, to the grave dangers to peace and to the need of some more effective organization for appeasement and security. He has testified again and again with unquestionable sincerity to his own detestation of violence and his own conviction of the futility of force as an agency of permanent international adjustments. Yet he has never opened his mouth in public to disapprove of the policy of France, which depends for its success entirely on force and which is by far the most important immediate cause of those evils which he seeks to eradicate. He has not said one word which would lead an ignorant American to believe that the behavior of France compromised the success of his beneficent enterprise. The reason for this silence is obvious, but it is not reassuring. He is probably afraid that a break between France and England would wreck the League of Nations and it is the League for which he is working to save the world. He expects presumably to find some way of placating France without permitting her to keep Europe in a dangerous ferment, but his expectation will almost certainly meet with disappointment. France will not quit until the resistance she arouses compels Frenchmen to understand the discrepancy between her dream of European hegemony and the meagre resources which she can summon to its support.

LORD ROBERT CECIL like so many other adherents of the League of Nations is making the welfare of the League itself an excuse for condoning behavior on the part of the French which prevents the League from operating as an agency of European appeasement. He and many other disinterested and admirable people who agree with him have always insisted that the incorporation of the Covenant of the League in the Treaty of Versailles redeemed that ignoble document, and that in order to establish the League as a legal institution it was worth while to put up with the failures of the Treaty. Yet the historian of the future may well discover in his illusory belief the chief cause of the disasters of post-war Europe. For if the liberals in the victorious nations who favored a just and conciliatory treaty had not counted so much on the League, they would have put up a braver and stouter fight against the Treaty. The Treaty was allowed to become and to remain as bad as it is only because the people who wished to make it bad stuck more firmly to their convictions than the people who wished to make it good. The latter would not fight it out, and they consoled themselves for backing down by magnifying a League of Nations which because of their own accommodating attitude towards France is incapable of protecting Europe against French violence. Because of this attitude it now looks as if the Treaty of Versailles, if and when it is revised, will be revised not by Great Britain for the better, but by France for the worse.

AFTER a brief excursion, led by President Lowell, into the foothills of racial intolerance, Harvard has returned to its first principles. The committee of thirteen members of the faculty appointed to consider the fitness of candidates for admission to the College reaffirms the traditional policy of "equal opportunity for all regardless of race and religion." The Board of Overseers, in accepting this committee's report, voted unanimously to maintain "freedom from discrimination on grounds of race or religion," and (also unanimously) that no man should "be excluded from residence in the Freshman halls by reason of his color." This is a complete victory for tolerance, and we rejoice in it, and congratulate that large number of Harvard men who favored restriction so much less openly than their Overseers have now rejected it, upon being governed by a Board decent and courageous enough to withstand unanimously an opinion no less strong for being partly underground.

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WE hope and believe that essentially there will be no retreat from the position taken by the Board of Overseers. But their vote averted a future problem rather than solved a present one. Their action can of course contribute nothing to the alienation of such race feeling as now exists, nor can it prevent the increase of this feeling. The feeling against Jews and Negroes, though denied official recognition and driven beneath the surface, remains, and, at Harvard as elsewhere, seems to be growing rather than diminishing. Like all such feelings, it is none the less profound for being unreasonable, and about all that reason can do about it now is to find out a little more about its causes than we know at present. Perhaps a solution will follow after knowledge—or perhaps there is no solution.

A VERY hornet's nest of trouble seems to impend because of the concessions the Angora government has recently granted to Rear Admiral Colby M. Chester, U. S. N., retired. The British and French press are protesting loudly; our own State Department is implicated to the extent of a promise "to give [the Chester concession] diplomatic support if the claim is valid"; and the subject will be discussed at the new Lausanne Conference beginning April 23rd. Indeed, it could hardly be avoided, since the Conference is specially called to discuss economic affairs and Admiral Chester will apparently be the arbiter of Turkish economic matters for years to come. Among his "rights" are railroad grants in Mesopotamia, which England had supposed belonged to her hand-hewn "Kingdom of Iraq"; permission to work the Mosul oil fields, title to which is also claimed by England under the Mesopotamian mandate; concessions throughout Anatolia which the French bitterly observe they thought they had purchased with a loan to the Angora government; and oil and railroad privileges in Armenia. In short, the Turkish generosity to Admiral Chester went to the length of giving him everything in sight, whether it was recognized as belonging to Turkey or not.

WITH all this in the air, it is announced that Ambassador Child is to reaffirm American belief in the open door, when the Lausanne Conference meets again. It is a pity that such an excellent doctrine should by the accident of circumstance be emphasized only at times which seem inappropriate for it. When it was demanded before, England and France were supposed to be dividing the riches of the Near East between them, and our plea for equality of opportunity was thought of by Europeans as the suppliance of the empty-handed. Today, when thanks to the indefatigable Admiral Chester we seem to have everything, the powers may pertinently ask whether we intend to translate our faith into works by apportioning part of the new concession among them. This we can hardly do without incurring Turkey's violent disapproval; the popularity of America in Asia Minor, which made this concession possible, is based on the theory that we do not follow up commercial enterprise with political claims in the European fashion. A parcelling of the Chester rights among the powers is the last thing Angora wants. Even the State Department's promise of "support" may have filled the Turkish breast with justifiable apprehension; if this were to mean that we intend to use governmental agencies to back up our adventurous capitalists, it would be a departure from our theoretical policy as much to be deplored here as it would certainly be in Turkey.

FORMER PRESIDENT WILSON has again broken his silence to express a political opinion. He is in favor, he tells Representative Arthur B. Rouse of Kentucky, "not of the conditional, but the unconditional adhesion of the United States to the World Court set up under the auspices of the League of Nations." He adds, as might be expected, that he thinks it "would be more consistent with the fame of the United States for candor and courage to become a member of the League." This statement, the wiseacres affirm, indicates that the Democrats in the next session will oppose President Harding's proposal for joining the Court under reservations; and they prophesy that, in view of the growing hostility of the bitter-enders within his own party, this means certain defeat for the proposal. Our guess is that it means nothing of the sort. Mr. Wilson is the titular head of the Democratic party, and has an enormous personal prestige; but the group actively in control will not follow him today against its own better judgment. The wisest course is obviously to offer Mr. Harding, the moment the next session opens, sufficient votes to insure the immediate adoption of his proposal, despite the opposition of the Republican bitter-enders. Thereby the way is cleared for a Democratic campaign in 1924 to "come in the front door of the League as well as the back" and the Republican hope is checkmated that entrance into the Court may be postponed long enough for them to use it in a campaign and avoid embarrassing discussion of a once-promised "association of nations." Mr. Wilson is entitled to respectful attention, but he may not a second time wreck his party by his fatal refusal to compromise. The Democratic Senators will vote "Yes."

THE action of Secretary Hughes in cancelling the visa of Mme. Kalinin, on acount of the execution of Vicar General Butchkavitch, was inevitable and proper. American public opinion does not place religious functionaries above the law of the land. It does not demand for priests or ministers immunity from prosecution for crime, civil or

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political, nor an exceptional softening of penalties for those who have been convicted. But it is extremely sensitive to any appearance of religious persecution. Vicar-General Butchkavitch was condemned, according to the order denying his petition for a reprieve, for "very clear counter revolutionary action with a direct connection with an enemy bourgeois state" and for "using his position as priest to carry on a direct and active state treason." Nero might have defended his persecution of the Christians in equally plausible terms. The Soviet leaders must have known that the Christian world would suspect them of playing Nero's rôle. They should have spared no pains to make their case absolutely clear to all mankind, if they have any respect for the opinion of mankind. And, if they have no such respect, nobody who has any connection with them has any business outside of Russia.

PRESIDENT HARDING and Mr. Lasker have in unison made a most terrific face at the private shipping interests of the United States. They boldly declare that if the government fleet is not bought at an adequate figure, the shipping board will operate the ships on 18 or 20 routes, permanently and aggressively. "Nobody hates government ownership and operation more than I do," says Mr. Lasker; but if he is pushed too far, he will swallow his scruples and plunge in up to his neck. To this proposal the American Steamship Owners Association responds, through its president, Alfred G. Smith, with a friendly suggestion that the government guarantee to the private owners the cost of operation, paying the deficits if necessary, and if profits accrue, putting them in a sinking fund to pay for the purchase of the vessels. It should be pretty clear that the President and Mr. Lasker are trying to scare the shipping men into raising their bid; and that the latter know this and are not greatly alarmed at the threat. Certainly it would be a calamity if the experiment of government operation on a vast scale were to be tried under the direction of men who admittedly disapprove of the whole idea. Under these dismal auguries, the slim chance of success otherwise present dwindles into a certainty of failure.

MIGRATION from the country to the city is going on at a startling rate. According to Department of Agriculture estimates, last year two million persons left the farm for the city, while eight hundred thousand left the city for the farm. As a partial offset to this net loss of 1,200,000 the country population had an excess of births over deaths amounting to two-thirds of a million. But this excess has no immediate bearing upon the problems of agricultural production. That problem is essentially one of prices. The farmer receives too little, and pays his help—if he can afford help—too little. So long as this condition obtains, young men who can get away to the city will do so. It may be true that the farming population is no worse off than it was a generation ago. But with the improvement of the public school system and the unusual training in mechanics and mobility provided by Henry Ford it has become far easier for the farm boy to escape from bondage. It is time for our statesmen to begin to think seriously about the future of our food supply.

WHEN the Steel Corporation and the great packing houses join the textile industries in voluntary advances in wages, it cannot be doubted that the general economic trend is for the present favorable to labor. Many forces are working together to produce this result. On the side of demand, perhaps the most important factor is the revival of the construction industry. It has been calculated that over five billion dollars will go into construction in the next twelve months, and this implies a huge number of laborers to be employed. Most employers, however, lay chief emphasis on supply. They point to the fact that under the quota law immigration is so narrowly restricted as to yield no net increase of laborers worth mentioning. Accordingly those who wish to expand their industries have no recourse except to raise wages to a level that will draw men away from stagnant employments, especially agriculture. That is a strong argument for the quota law. If it can produce a shortage of labor that will compel the payment of living wages it is the most beneficent act on the statute books.

THE Fordney-McCumber tariff law has about as many things wrong with it as possible, but is endowed with one excellent provision. If with the passage of time any rate seems to have become unfairly low or high the Tariff Commission may investigate and revise it upward or downward. A quarrel has now arisen within the Commission itself as to whether a complaint by some outsider is necessary to start such an investigation, with the more liberal members holding that such an outside initiation is not necessary. This seems to the layman like the merest common sense. No one is interested in revising rates downward except the poor, inarticulate public; therefore if the Commission could act only on complaint, it seems obvious that it would confine itself to revision upward. This would exactly suit the plans of the hard-boiled Republican politicians who care nothing for the welfare of the ultimate consumer and everything for "protecting" their friends the manufacturers. President Harding has a fine chance for useful public service if he will stand by his guns and insist that tariff revisions be made in both directions, and on a basis as nearly scientific as the text of the law permits.

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The Franco-Belgian Formula

MANY Americans still hold the view that it lies in the power of the German government to make concessions that will put an end to the occupation of the Ruhr. The uncompromising attitude of the French government is excused on the ground that the Germans are exhibiting unwarranted obstinacy. Those who hold this view must have failed to note that since the early period of the occupation the French have proclaimed a new formula. They have declared their intention of remaining in the Ruhr until the last mark of the indemnity has been paid. Germany might promise everything; it would not affect the situation in the least. It is cash, not credit that the French are after. And Germany hasn't the cash, as everybody in the world, down to the babes and sucklings, knows very well.

This formula, which is Poincaré's private contribution to diplomacy, although the French press calls it the "Franco-Belgian formula," is supposed to be supported by the precedent of German policy after the Franco-Prussian War. By the terms of the peace treaty of 1871, German troops were to have the right to occupy French soil until the whole of the five billion franc indemnity had been paid. France, it is said, did not dissipate her energies in a desperate attempt to have this hard provision revised out of the treaty. She set about paying, at once, and in two years had extinguished that right of the conqueror. Why should not Germany follow her example?

Superficially the argument looks cogent. Its weakness appears only when one takes into consideration the fundamental distinction between the indemnity provisions of the two treaties. The Germans in 1871 tried to calculate what France could pay, and fixed the indemnity at the corresponding figure. The Allies in 1919 tried to find out what the Germans could not pay and fixed the indemnity accordingly. Bismarck seriously considered levying a heavier indemnity but decided against doing so because a billion dollars seemed about all France could pay. There was no such moderation at Versailles. Germany was saddled with indemnity items that, as the calculations of the Reparations Commission later proved, amounted to more than thirty times the indemnity of 1871. Of course Germany of today, if she could put her industrial house in order, would have a much greater capacity to pay than the France of fifty years ago. Her population is greater by nearly two fifths, and private wealth and income rest on a broader base. It is a conservative estimate that Germany is as able to pay four billion dollars as the France of the seventies was to pay one billion. The German precedent would then have justified the Allies in fixing an indemnity of four billions. Instead, they grasped at thirty-two, and even today, when the whole world recognizes that such greed was fantastic, the best that Poincaré is willing to do is to cut the indemnity to ten billion dollars, plus the three billions and more that Germany has already paid, plus any sum France may have to pay England and America on account of the interallied debts. This means in all something near sixteen billions of dollars, or four times the reasonable capacity of Germany to pay, as calculated by the methods Bismarck applied to the prostrate French.

A nation's ability to pay off an indemnity depends on the amount of gold or gold paper it can secure through taxation or loans. France in the seventies found all the markets at home and abroad eager to subscribe her bonds. The interest charge on one billion dollars was well within her taxable limit. French indemnity bonds were a good investment. Consequently the loan was heavily oversubscribed at par. Probably Germany would have had a similar experience if the indemnity had been fixed at its natural figure of four billion dollars. Most investors would have assumed that Germany was good for the interest on that sum. The Allies could probably have been paid off in cash, within a year. But there are no investors, anywhere, who believe that Germany is good for the interest on thirty-two billions, or even sixteen. Only a few fools, eager to part with their money, would care to invest in a ten billion dollar German indemnity loan. Those who advise Germany to follow the French policy of 1871, and borrow the money needed to buy liberation from the occupation, are either superhumanly stupid or wholly without sincerity. Germany cannot possibly borrow any such sum.

The Franco-Belgian formula, then, amounts simply to a declaration that the Ruhr will be occupied indefinitely. And here we stumble upon another of Bismarck's evil precedents distorted into an instrument of unlimited extortion. By the treaty of 1871 France was required to maintain the German forces of occupation until the indemnity was paid. All the French and Belgian troops in the Rhine province and the Ruhr are now charged upon Germany. Those troops make up the major part of the French and Belgian standing armies. If Germany can be made to pay, French militarism has worked out a beautiful invention. It can maintain as large an army as it pleases, at the expense of an alien people.

Poincaré has greatly improved on Bismarck, in the exaggeration of the indemnity and in making a defeated enemy maintain indefinitely the army whose purpose is to perpetuate the state of subjection. He has improved on Bismarck in still another particular. It was Bismarck's policy, while retaining troops in France as a reminder of the unfulfilled indemnity obligation, to dispose them in such a way as to cause as little inconvenience

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and offence as possible. The German troops were withdrawn from the vicinity of Paris immediately after the signature of the treaty. As the successive installments were paid, the German troops evacuated one district after another. Poincaré has thrust the French forces into the very heart of industrial Germany, where their presence produces the very maximum of inconvenience and offence. It is not conceivable that the industrial development of the Ruhr, on which Germany's capacity to pay chiefly depends, can proceed in orderly fashion with tens of thousands of hostile soldiers billeted upon the population, commandeering whatever goods they please, picking quarrels with the tradesmen, and prepared at any time to blow up the whole industrial machine if Berlin and Paris fall into a quarrel over technicalities. American captains of industry are as good gamblers as are to be found in the world. But we have yet to hear of one so reckless that he would sink his funds in building or improving a plant in such a nest of disorder as the Ruhr would become under the Franco-Belgian formula.

That formula, the Paris papers complain, has not been accepted by England. It is not likely ever to be accepted. For England needs peace, and the Franco-Belgian formula is war. It implies perpetual enslavement, and enslavement, in these turbulent times, produces in the end a war of liberation. Sooner or later, if Poincaré's policy prevails, the Germans will rise in a revolt that will shake the foundations of European civilization a second time. And the Americans who are now applauding Poincaré's aggression, out of romantic loyalty to the shade of Lafayette, will shiver in their beds over the new flame of Bolshevism crackling in the wind.

An Appeal from the Supreme Court

ONE road to economic justice has been closed up by the Supreme Court. The state may recognize that whole classes of women workers are subjected to starvation wages, but the state may not intervene. It has been demonstrated again and again that there is an inevitable connection between underpayment of women workers and "occasional prostitution," but the state must stand by until it can effect arrests for disorderly conduct. Industrial investigators may waste as many tons of print paper as they please in proving that the employer who grinds the faces of the poor is a redoubtable competitor of the employer who desires to observe the rules of decency and humanity. Political scientists may emphasize the folly of a nation's bartering the health and hopes of the present generation of mothers for the small dirty gains of incompetent profiteers. In vain. The Supreme Court has spoken, and the word of the Supreme Court is final.

It is final so far as the political institutions of the democracy are concerned. But fortunately democracy is a protean force, capable of creating institutions not iron, bound with the traditions of bygone generations. It has created the labor union, which, in spite of all its defeats, has already achieved infinitely more toward establishing living standards than all the legislatures in the country. We appeal from the Supreme Court to the labor unions.

The Supreme Court does not know that democracy and wage-slavery are incompatible. The unions do. The Supreme Court does not know that every worker must feel his moral position weakened by the fact that his death or disability may thrust his wife or daughter or sister into a position where she has to make a choice between slow starvation and moral degradation. The unions do. The Supreme Court does not know that the degradation of one class of labor is a menace to all labor. The unions do. Because of their superior insight into the problems of the exploited laborer, a heavy obligation rests upon the unions to redress the wrongs that may be inflicted with the approval of the Supreme Court.

We are aware of the fact that the several unions have hitherto been fully occupied with their own particular problems. The Railway Brotherhoods have had to fight for their own standards; the mine workers for theirs, the building craftsmen for theirs. They have not had energies to spare for the defence of the rights of the fruit pickers, candy makers, restaurant waiters and the thousand and one minor employments. But in a great many fields the unions have now established themselves securely. They can afford to take a broader view of their function. That function is to assume responsibility for all labor, to win for every class of labor the essentials of decent living.

It is time for organized labor to formulate a national conception of the minimum below which no class of labor should be permitted to fall. There is nothing in the Constitution to prohibit the unions from defining a minimum wage. The problem of enforcement would remain to be solved. But the power of the unions is great, when it is directed toward an end which all fair-minded persons, in the union and outside of it, recognize as just. It would probably be quite practicable today for the unions to organize most of the workers who have benefited by the minimum wage laws, now apparently all thrown into the discard. Determined action by the unions would go far toward deterring employers from taking advantage of the exploiting privilege conferred upon them by the Supreme Court.

We are appealing to the unions, not in the name of labor, but in the name of democracy. If one class of labor can be pressed down into hopeless

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poverty, another can be made to follow, and another. Where then will American democracy stand? That democracy was not created by constituent assemblies nor by legislatures. These merely acknowledged formally an existing condition. American democracy germinated in the frontier, where free land offered to labor a comfortable minimum of the necessaries of life. The free land is gone. Where then shall we find an equivalent guarantee of the economic minimum without which democracy is a fraud and a fake? Nowhere, if not in the vigor and far-reaching statecraft of the unions.

We appeal to union labor to take immediate steps to reverse the recent decision of the Supreme Court, to nullify it and make it of no practical effect. They have the power. They owe it to themselves and to democratic America to make it tell.

The Object of Workers' Education

RECENTLY the Workers' Education Bureau, which during the last few years has aided and comforted the different groups throughout the country who were starting to provide education for adult wage earners, applied to the American Fund for Public Service for a subvention. This Fund came into existence a couple of years ago as the result of a gift from Charles Garland, who proposed to have it spend the income and principal for the benefit of the American labor movement. On March 26th Roger Baldwin, writing for the trustees of the Fund refused the request of the Bureau and defined its policy with respect to all similar applications in the following words: "The American Fund for Public Service, Inc., in its support of labor education shall favor those organizations and institutions which instill into the workers the knowledge and the qualities which will fit them for carrying on the struggle for the emancipation of their class in every sphere." "We do not see," Mr. Baldwin added, "our way clear to financing any enterprises except those definitely committed to a radical program of the character indicated in the resolution."

Last week Mr. Samuel Gompers published this letter and used it as the pretext for a vicious attack on the Garland Fund and its trustees. Those who were accustomed to Mr. Gompers's controversial method and style would have had no difficulty in predicting the form which the attack would take. From the Gompers standpoint, there is only one way for a worker or an "intellectual" to promote the interests of American labor; and that is to swear loyalty to the A. F. of L. and support without question the policy of its management. The people who dissent or criticize or show any signs of independence are treated by Mr. Gompers as the Pope of Rome used four hundred years ago to treat Protestants. The dissenter became a heretic who had incurred by his disloyalty utter disfavor, and it was the part of all true believers to outlaw and to curse him. Mr. Gompers has as usual unearthed in the American Fund for Public Service a red revolutionary conspiracy against public order, the ground of his condemnation being that its trustees have believed in peace and worked for it, that they have fought for the preservation of American civil liberties, and that they have favored a conciliatory policy on the part of the American government toward the Russian Soviet Republic.

Mr. Gompers's attack on the trustees of the Fund is both silly and contemptible. He is one of those men who is uncomfortable in carrying on a public controversy unless he can disqualify his opponents by calling them names which are intended to prejudice public opinion against them in advance and are wholly irrespective of the merits of the difference of opinion. It is a sheer calamity that the official chief and the most inveterate spokesman of the American labor movement should so consistently degrade all public differences of opinion between himself and his opponents to the level of abusive recrimination; and the practice in the present instance is peculiarly costly for one important reason. The decision of the trustees of the Garland Fund in refusing a subvention to the Workers' Education Bureau and the reasons which they allege for it are at best extremely questionable. If Mr. Gompers had been willing to argue the issue on its merits, he could have challenged the action of the Garland trustees on grounds which it would have been difficult to answer. In publishing this challenge, he would have gained the support of all people who discriminate sharply between education and propaganda and who consider that the trustees in their decision have unwisely ignored the distinction. Of course one reason why Mr. Gompers did not base his protest on the reality of this distinction is that he himself is not aware of its existence.

Mr. Baldwin's refusal to lend assistance to any plan for workers' education which does not aim to equip its pupils to carry on the struggle for class emancipation raises, of course, the question of the ultimate purpose of labor colleges. The attempt to provide education for adult workers has only just begun and is still laboring to discover its limits, its opportunities, its methods and its objects. The movement is one expression of the rapidly increasing interest in adult education of all kinds—an interest which, we venture to say, will during the coming generation sweep across America and change the topography of the American national consciousness. For many reasons the provision of schools for workers' education will probably proceed with particular rapidity. It will proceed rapidly not

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because the wage-earners as a class are in any more need of a liberal socializing education than are the professional and business classes, but because they are more conscious of their need and will be quicker to seize its advantages. The educational discipline which the workers will derive from their schools will form one of the two or three influences which will compete or combine to form their intellectual and social outlook. If their schools arouse them to pursue knowledge as a means of enhancing and unfolding human life, they can prevent the struggle for the emancipation of labor from becoming the expression of an irreconcilable class conflict. But if they consider their special schools and their special education as chiefly a means to the end of class assertion, they will subordinate education, just as so many governments have done and as so many ruling classes would like to do, to the aggrandizement of class interest and power. If such is the form assumed by workers' education, it will train leaders who are incapable of transcending a merely pugnacious psychology and a sectarian program. Their example would almost certainly provoke other classes to organize, by way of reprisal, schools whose pupils would be educated to oppose the emancipation of labor and to insist upon the necessity of perpetuating all the discriminations which make a liberating life dependent upon the ownership of property.

The trustees of the Garland Fund have, we believe, committed a serious mistake in limiting as they have limited their appropriations in aid of workers' education. The New Republic agrees with them in believing in the necessity of the conscious affirmation by the wage-earning class of its title to a more independent status and a more responsible function in American politics and industry. It welcomes every orderly and intelligent effort on the part of organized or unorganized labor to increase its industrial and political power. Yet it is one thing to believe in the necessity under existing conditions of augmenting by steady social and political pressure the active participation of the wage-earners in the processes of industry and politics; and it is quite another thing to subordinate education to the necessarily sectarian and pugnacious agitations and causes. The wage-earners must assert themselves in certain respects as a class because they suffer in certain respects from discrimination as a class; but the existence of discrimination is not authorized by the American national tradition and ideal. In trying to overcome it the wage-earners are only giving a contemporary expression to the same wholesome impulse towards the establishment through class self-assertion of a balance of economic forces within the community which explains so much of the political history of the British and American democracy. These movements in the direction of class assertion have, however, been on the whole frankly experimental, partisan and political. Instead of creating schools to strengthen them in their struggle and of calling in education as the accomplice of political agitation and economic conflict, their leaders have conceived education as an independent and precious social activity with which a non-revolutionary social agitation did not need and could not afford to tamper.

This conception was sound and deserves to survive. If education is not disinterested and dedicated to the liberation and enhancement of individual and social life as a whole, modern civilization is deprived of a spiritual basis and will perish through the warfare of special interests, classes and nations. We are sufficiently aware that as now practised education is rarely disinterested, and from the point of view of the wage-earning class is largely a sham. We are also sufficiently aware that it still remains a doubtful question how far education is actually capable of using the pursuit of truth for the liberating of individual and social life. It has not as yet succeeded in finding a good way of inculcating morality and religion. But imperfect as its existing method and manifestations are, the conception of education as something of unique value, which is independent of class and national conflicts and which is concerned with the regeneration of human beings by helping them to live in the shadow of the truth as it is then known, is indispensable and sacred. It is particularly indispensable and should be particularly sacred to the wage-earners and their spokesmen, for the emancipation of labor depends chiefly upon the ability of the human mind to give reality to the conception. By using their influence to subordinate workers' education to the need of the class struggle and by refusing to support the Workers' Education Bureau, the trustees of the Garland Fund, although they have excited Mr. Gompers's resentment, have paid him the compliment of acting in the spirit which prompts his activities and those of Mr. Ralph Easley. Messrs. Gompers and Easley also confuse education with propaganda, and propose to subordinate it to the discrediting of that very "radical program" which the trustees of the Garland Fund intend to subsidize.

THE NEW REPUBLIC

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A Community Trial

CHICAGO once had a rival in Saint Joseph. Emigrants from the East used to make for the lower end of Lake Michigan and there take advantage of the opportunity of breaking their overland journey by a short water haul. Saint Joseph became the port of embarkation; Chicago that of arrival. Chicago grew to be the distributing point of commerce for the West, while Saint Joseph retired as the county seat of the farming region known as Berrien County, Michigan. It was certainly through no wish of its own that Saint Joseph emerged into publicity during the last weeks with a counter-attraction to the mayoralty campaign of Chicago—the trial of William Z. Foster.

Everyone remembers the spectacular raid of August last, directed by federal agents, which arrested the convention of the Communist party on the lake shore near Bridgman, Michigan. There was not lacking a touch of comedy in the proceedings. The convention had been in session for three days when it discovered that it was watched. Then began an orderly sauve qui peut by automobile, women, children and guests first, which carried most of the participants to the railroad, whence they scattered over the country.

Seventeen of the boldest spirits stood their ground, however, and having buried the records and other paraphernalia of the meeting, enjoyed lake bathing and breezes until the officials descended upon them in two lorries and took them to jail charged with violating the state criminal Syndicalism law. The evidence was exhumed, including a list of those who had been in attendance. Among these was W. Z. Foster, organizer of the Trade Union Educational League, who was promptly arrested at his office in Chicago. The defendants demanded separate trial and the state selected Foster to be tried first. The case against him was the weakest, for he had visited the convention not as a delegate but as a speaker; but on the other hand his program of industrial unionism gave him an immediate importance beyond that of communist theorists. He was put on trial March 19th before Judge C. E. White of the Circuit Court of Michigan; Mr. Frank P. Walsh and Mr. H. S. Gray appearing in his defence and the County Attorney, Charles W. Gore, assisted by Assistant Attorney General Smith, conducting the prosecution.

The atmosphere of the courtroom differed markedly from that of the scene of the trials in the period of tension during the war and the red hysteria which followed. No greater contrast could be conceived than that between the proceedings conducted by Judge White and those against the I. W. W. or the five socialists before Judge Landis. Judge White was eminently impartial and judicial; not a trace did he show of that vindictive spirit by which the wartime judges sought to register their patriotism at the expense of the unfortunate victims of circumstances brought before them. Judicial procedure in Michigan is extremely informal, and leaves much to the discretion of the court. Judge White used his power with fairness and good sense. A notable instance occurred when C. E. Ruthenberg, the leader of the Communists, had been on the witness stand for half a day. It was then discovered that according to an almost forgotten provision a co-defendant may not testify previously to his own trial. Clearly it would have been unfair to dismiss the witness with half his story unheard, and accordingly the judge ruled simply that the failure of the prosecution to take advantage of the law at the outset constituted a waiver of its right, and Mr. Ruthenberg continued on the stand for two days more.

The jury was one typical of the countryside, so far as the eleven men, nine of them farmers, were concerned; but it contained, what was evidently an innovation in the person of one woman. Evidently an innovation. "It's indecent," one heard at almost every session, "that woman alone among all those men! I should think she'd be ashamed." Perhaps in deference to popular taste the defence did not insist on its privilege of having the jury locked up at night and segregated from the world. Under the judge's admonition they were free to mingle with families and neighbors, among whom the case was a constant theme of discussion. It was thus a community trial. It was a community affair also by virtue of the ample opportunity afforded by the courtroom for spectators. No one was challenged on entrance. As the afternoons wore on, there dropped in men and women in increasing numbers for the spectacle. Women's clubs attended. Classes from high schools came under the teachers' care. It was in the real sense popular education.

The general friendliness of the occasion was promoted by the easy good humor with which Mr. Walsh handled the witnesses, repulsed the onslaughts of the prosecuting attorneys, and sustained amicable and dignified relations with the court. Even Mr. Berger, who had been lent by the federal Department of Justice to coach the prosecution, showed genuine pleasure when Mr. Ruthenberg promised that his photograph should certainly appear in the Liberator. The only sinister note was the group of government sleuths, spiritual and, one would say from appearance,

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physical progeny of William J. Burns, suggesting a feature of the administration of justice at once incongruous and foreboding.

There was something of irony in the fact that this jury and this community were appointed to judge a case which was in its legal aspect a matter of words. The Michigan law in its first section defines criminal syndicalism as "the doctrine which advocates crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform." In its second section it declares guilty of felony any one "who advocates or teaches the duty, necessity or propriety of such action by speech, writing or publication, or who organizes or becomes a member of, or *voluntarily assembles with,* any society, group or assemblage of persons to teach or advocate" this doctrine. Now there was no contention that there was any overt act of violence planned or committed at the Bridgman convention. It was difficult to believe that its members come to Berrien County to teach or advocate violence, and still more difficult to believe that Mr. Foster assembled with them with any such motive. It is true that the Communist party teaches the necessity of social changes and the inevitability of violence in their accomplishment. Its literature dwells on the idea of violence with the same ritualistic persistence as Christian literature on pacifism. Is this belief in violence academic or practical? The verdict depended on the interpretation of language, and language, moreover, remote from the experience of most of those gathered in that genial courtroom. "Do you ever read the dictionary?" demanded the prosecutor of Mr. Ruthenberg. "Don't you know that syndicalism is malicious injury done by an employee to an employer's plant?" After a dramatic pause the witness asked: "Aren't you talking about sabotage?" In the heat of the argument, dictatorship of the proletariat became "proletarian dictatorship" and thence "dictatarian proletariat"—and was so written into the record by the perspiring court reporter. "Is this a capitalist government?" asked the prosecutor. "Yes," from the witness who had qualified as an expert on communism. "Is Michigan a capitalist state?" "Yes." "Is this court a capitalist court? and this jury a capitalist jury?" There was a moment of embarrassment relieved by the adroit introduction of the term petite bourgeoisie (with renewed agony of the reporter) to which class the jury was happily found to belong.

Behind this veil of friendly comedy, however, there were forces stirring and issues pending which made this trial an occasion of far reaching importance. Those forces and issues were differently interpreted. The Chicago Tribune, for example, saw them as a well-defined conflict between Soviet Russia and democratic America. Others read them less imaginatively. Beside Mr. Walsh at the table for the defence sat Mr. Humphrey S. Gray of the adjacent city of Benton Harbor. Mr. Gray is attorney for the traction company. He is president of the largest bank in Benton Harbor. He is the moving spirit in a community church of that city, and has the largest Sunday school in Michigan. He is probably as convinced a supporter of the institutions of this country and as earnest an opponent of communist theory as could be found. He is, moreover, a very busy man and the gift of his entire time (he accepts no fee) for several weeks argues a keen sense on his part of the importance of public service to be rendered. To him the issue of the trial is simply one of constitutional liberty and freedom of speech. In a statement published in the News Palladium of Benton Harbor before the trial he set forth his position to his wondering friends and neighbors:

> I feel fundamental principles of our constitutional liberty are threatened and endangered more in this law and in this prosecution than in all things ever done by or dreamed against the Communists. This law makes a man liable to arrest for a belief, though he has never done a wrong act or spoken a wrong word. In fact, he might be riding on a sleeper between Chicago and Detroit and while passing through Niles could be arrested. An arrest for a belief without a wrongful act or word is a vicious, dangerous return to the days of punishment for heresy. I believe our great democracy is substantial enough to meet in the open the belief, the theory, the argument of any man or group of men, and whenever we cannot so meet it, then we are not well or properly founded, economically or politically.

Two issues especially interested Mr. Gray, both of them aspects of the malign interference of the federal Department of Justice, inextricably intertwined as it is with the Burns detective agency. From the outset the motive force in the prosecution was the federal Department, which last summer was obviously seeking to meet the industrial difficulties of the coal and railroad strikes by a repetition of Mr. Palmer's red hysteria. The authorities had planted agents provocateurs within the Communist party. It is probable that these selected the state of Michigan as the place of convention because of its criminal syndicalism law. At all events, among the delegates was a detective, one Francis Morrow, elected by a family soviet consisting of himself, his wife, his daughter and his son-in-law. The question before the convention was whether the Communist party should abolish its secret organization, and the defence alleged that Morrow cast the deciding vote against this motion. Upon Morrow's testimony depended the identification of the seized documents, 118 in number. It was surprising to find among them a file of eighteen numbers of Mr. Foster's paper, the Labor Herald. Perhaps Mr. Morrow brought it there himself—and the suggestion will occur that it could not have seemed of much moment to him whether he brought it beforehand in expectation of Foster's presence, or introduced it as an afterthought. An important

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document to prove Foster's membership in the party was a questionnaire filled out *in printed script* with details corresponding to the facts of his career and signed by number. The prosecution wisely did not emphasize it. Mr. Gray in his statement called attention to the association of private detective agencies with the government, both in luring in the Communists and then in setting up propaganda throughout the community against them. "What about the great fundamental right to a fair trial," he added, "when representatives of our own government so disregard and make impossible the realization of this fundamental right?"

A second point raised by Mr. Gray is likely to become of more importance as time goes on. The State of Michigan has a wise law by which each unit of government must pay the expense of a prosecution initiated by it. The lack of such a law in Illinois has recently discredited the trials for the atrocious murders at Herrin, by permitting funds for prosecution to be furnished by the Illinois Chamber of Commerce. Berrien County must stand the expense of trying the Communists without financial help from state or national departments of justice or private sources. And yet, as Mr. Gray pointed out in his statement, a representative of the national Department of Justice and a private detective agency appeared before the county board and assured its members that the county would be reimbursed for the cost of the trial. "Have we so far drifted in our class persecutions," asks Mr. Gray, "that any man or set of men . . . may successfully plan with our government representatives to use that governmental arm, supported by private capital, to prosecute the other fellow in criminal arrest?"

Mr. Gray's statement is interesting because it represents perfectly the historic attitude of the American liberal in the face of new problems. It will be said that it ought not to have been issued. As has been noted, however, this was a community trial; the case was argued throughout before public opinion. Not only did the government assiduously prepare the mind of Berrrien County for the ordeal by the usual methods of propaganda, but during the trial the prosecution handed to the press typewritten statements of peculiarly sensational evidence which it proposed to introduce. On one occasion they failed to get such material past Mr. Walsh's objection, but it flared duly forth in the newspapers and brought a rebuke from the judge —to the reporters. Mr. Gray's action was a potent factor in bringing all the aspects of the case before the public of Berrien County and securing a fair trial for the accused. His courage was in eminent contrast with the pusillanimity so generally displayed by the legal profession during the recent invasion of constitutional rights by corrupt and tyrannical officers of justice.

In view of the close connection of the jury with the community, a disagreement was an expected outcome. The jurors held six for conviction, six, headed by Mrs. Olson, for acquittal. This disagreement is a form of peace without victory. The trial is certainly not a triumph for the Communists, who appeared as a group of children playing revolution—with the help of detectives. On the other hand, the government, which sought to make use of this childish comedy to arouse the public against the legitimate aspiration of labor toward a cleaner and more efficient organization, stands condemned for its purposes and methods. The managers in Congress of the abortive move for the impeachment of Mr. Daugherty made no mistake in putting his appointment of William J. Burns in the forefront of his misdemeanors. Is Communist or government the greater menace? As between the wrath that is, represented by the autocracy of capital and its tools, and the wrath to come, represented by Ruthenberg and his Reds, public opinion, not only in Berrien County but elsewhere, is divided, perhaps in much the same ratio as this jury. But no one can doubt which way the jury was moving; and its progress, won by thinking and discussion, is of good omen. It may be that the result of the Michigan trial is after all a victory for the people.

ROBERT MORSS LOVETT.

On Growing Things

I never see a flower move
Delicately on windy air
But that I feel the same breeze shove
Against the fine roots of my hair.

And when I do there seems to be
Something about me of leaves and stem,
And softnesses inside of me
That need the sun to open them.

And if I feel like that and stay
A while where moving flowers are
I always want to go away,
I don't care where just so it's far.

Early Spring

I said a quiet thing today.
I said: "And who would care
Though every breeze is like the way
A hand feels on your hair?

"And who would mind a day so new
And so sweet with the south,
That it seems reaching out for you
And feeling for your mouth?

"O who would give the flip of a string,
Or the blowing of a feather,
At any time for anything
So trivial as weather?"

ANNIE HIGGINS.

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If War Were Outlawed

IT is natural that first reactions to the Levinson-Borah plan of outlawing war should be largely hostile. The reasons, however, are psychological rather than practical or logical. We have been thinking for a long time along other lines. The scheme seems too simple and too thoroughgoing. It seems almost like a trick, a magic wand. The real difficulties are that our minds are so full of other plans that it is hard to switch them into new tracks. We have been thinking in terms of gradual approaches, of "steps" towards an eventual abolition, by arbitration treaties; conciliation courts; reduction of armaments; condemning the guilty nation after war has broken out; political combinations to enforce peace by coercion through superior force; educating the moral sentiments of the people; economic reforms to do away with causes of national rivalries etc. The new plan moves on different lines. It is not opposed to the others, but it does cut across them. It attacks the problem of war from a different angle. Hence the difficulties are those of switching from one line of thought to another.

I propose to offer some considerations which may facilitate the needed transfer of thought. One unfavorable reaction is due to the fact that this a legal scheme, a lawyers' plan. And we live in a time of scepticism about law and its efficacy. The causes are obvious. In many directions laws are so constant in their influence that we take them for granted. We do not note them any more than we think of the air we breathe. In other respects social conditions have changed more rapidly than the legal system: at these points we are critical of law. But the only fundamental condition of the efficacy of any well thought out system of law is that it represent the general moral conviction of the community. Unless the moral sentiment of the world has reached the point of condemning war there is nothing that can be done about it. If it has reached this stage, then that conviction should be crystallized in law—in orderly authorized procedure. One may of course disbelieve in any and all international law. But if one believes at all in it, he is not asked to believe that law will work miracles. He is only required to think of the practical differences that will be made when that law makes war a crime instead of legitimizing it.

The fundamental difficulty at present is that moral conviction and sentiment have no channels of operation. Almost everyone is opposed to war in general. But almost everyone is also likely at some time to find himself in a position where he must either assent to some particular war, or place himself in hostility to the action and law of his own country. We find ourselves in a tragic moral predicament. Either after having accepted the protection of the community and enjoyed its benefits, one has to deny responsibility to it when it feels that it most needs his support, or one must join in support of what his conscience declares in general to be a thorough evil. When wars were waged chiefly by governing classes and hired soldiers it was much easier to salve individual conscience. Under present conditions the moral dilemma is forced home to every civilian, man or woman. When war is a crime by the law of nations, conscience is on the side of the law of one's community and law is on the side of conscience. The warlike people will then be the non-patriotic and the criminals. The pacificist then becomes the active patriot-loyal citizen, instead of an objector, a nuisance and a menace, or a passive obstructionist. The appeasement of the world can never be brought about as long as the public conscience and public law remain at odds with each other.

The case is the same with industrial appeasement. The argument that it is fantastic to outlaw war until the economic causes that bring about war have been radically altered puts the cart before the horse. It is fantastic to suppose that serious attention to the causes of economic evils is going to be possible as long as men live under the shadow of the war system. Consider the burden put upon efforts at social amelioration because of the use of eighty-five percent of our national expenditures to carry the costs of past wars and to be in readiness for future ones. But even more important is the diversion of mental and moral energy, of interest and attention. How can the most ardent devotee of any project of basic economic and social reorganization expect to get even a fair hearing for his ideas as long as the shadow of war is over every social question? Let the reader run over any list of such plans, from socialism and the single tax to fundamental changes in education, and then reflect upon the extent to which discussion, experiment and execution are compromised and hindered by problems and issues connected with the menace of war. The more one directs his attention to this phase of the matter, the more one will be convinced that instead of postponing the consideration of war till some reform has been accomplished, we should get war out of the way in order that the reform may have a fair chance. The larger part of the discouragement, cynicism and half-heartedness as to social advance which is now so prevalent reflects the overhanging danger of war. With war outlawed, it is safe to predict a great revival of liberal confidence and interest.

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Till this step in world appeasement has been taken, a feeling of uncertainty and futility will paralyze social effort.

Outlawry of war is equally a condition of political appeasement. One outstanding case may serve as an index. Most Americans believe in the right of France to security. We have refused to enter into political guarantees of that security for fear of being drawn into quarrels or wars. What better guarantee of the security of France can be had than the outlawry of war by common consent of nations? With security gained in this non-political fashion, there would be an immense liberation of all the forces that make for amicable relations. The back-bone of the strength of aggressive restorationists in Germany and aggressive imperialists in France would be broken. The straining of friendly feeling between this country and France due to mutual recriminations would cease. The United States could then engage in cooperative undertakings free from the fears that now restrain us. The minor states of Europe could settle down to the needed tasks of reconstruction. As long as war lowers, it is mere pious exhortation for us to urge Europe to settle down and "go to work."

Thus the outlawry of war is a condition of the permanent appeasement of international relations. It liberates the problem of future world organization from the complications that now attend it. At present any union or association of nations is likely to become in effect, whatever it be in name and profession, an old fashioned alliance for offensive and defensive purposes. Many persons who are opposed to the present League and who will remain opposed to any plan that contemplates an Over-State have an open mind or even an ardent desire for future cooperation among nations, when there is some assurance that this cooperation will not entangle us in political rivalries and animosities. Most persons who are "irreconcilables" with respect to schemes linked up with the decisions of Versailles, are anything but unreconciled to the idea of conference and cooperation. They are only waiting for a plan that is feasible. The outlawry of war clears the track and will make the consideration and development of such plans practicable.

Take one concrete case—that of our relation to the existing Court of International Justice. Those who urge our joining point out that such a court is distinctly an American contribution to international thought and law, and charge us with gross inconsistency for not joining. But the difficulty, be it real or unreal in fact, is its connection with the Versailles Treaty and the League of Nations as it now exists. Senator Borah's resolution wisely provides that the Court, to be established on the basis of a re-codification of international law making war a public crime, may adapt any existing legal arrangement that in part serves as an international court of justice. The provision is obviously aimed at utilizing an existing court. But it is used on the basis of war outlawed and thus the fears that lead to present opposition to our participation are allayed. This is but one example of the difference that will be made in many movements toward a world federated in law and sentiment but not in political and military rule.

The argument that the plan to outlaw war makes no provision for sanctions of international coercion and penalization proves too much. It is a logical argument when it comes from those who believe in the war system. It sounds strangely at the mouths of those who believe in the substitution of international cooperation for international antagonism. They plead for the abolition of war—and for its retention as a means of coercion. For what else does an international army, even though called a police-force, mean in substance? Abolish war, and at the same time keep war up our sleeves! The contradiction is more than merely logical. It means the perpetuation of that attitude of mind that perpetuates war. If the moral conviction of the world will not restrain a nation from resort to war after its case has been publicly heard and adjudged and after it has given its own consent to the outlawry of war and to abiding by the decisions of the Court, the world will not get rid of war under any system. Moreover each nation engages to punish war-breeders as offenders against its own law. Internationally, there is open and complete reliance upon moral force with repudiation of war as a last resort. Domestically, there are the legal guarantees and methods that already operate. What else is there that can be effectually relied upon without committing ourselves to the maintenance of the war system as legal? JOHN DEWEY.

The Delicatessen Husband

IT was six-thirty and Saturday night. Perry Winship was tired. With arms full of bundles he fumbled in the dark for his key, secured the wrong one and strained at the lock. In his effort to open the door he dislodged his load: a dozen buns deliberately rolling across the pile and tumbling over the floor. Perry swore, put his bags on the stairs and felt over his keys for the one with the oval end. It fitted. Gathering his packages, he made his way into the apartment. It was dark; Ethel had not returned. She was always being kept at the laboratory on Saturday—press of work, she explained. It had been like this for two years now.

Perry switched on the light in the kitchenette and carefully unwrapped his purchases, placing them in a row along the shelf. Confound it, he had forgotten the butter, and only a crumby scrap was left from morning. Grabbing his hat, he descended the stairs, his temper rising. In the delicatessen across the street he noted two fat women, a small boy, a girl and three men, all waiting before the

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counter for the attention of the white aproned clerk. At intervals of every few blocks such establishments dot a modern city; distinguished from tailor shops and candy parlors by their windows and showcases with cubist dreams of sausages, curious pastes, highly colored salads and noisome cheeses. Perry turned sullenly and made his way to a similar exhibition two blocks beyond.

He never enters one of them without a shuddered invective. Despite his own needs, to him a delicatessen is not a convenient place at which to purchase ready-to-eat foods. It is the emblem of a declining civilization, the source of all our ills, the cause of equal suffrage, the permitter of the business and professional woman. It is generations removed from his ideals. To see Perry reading his paper on his way home in the subway, one would not at first glance expect such brooding rebellion. He is big and athletic and should be engrossed in news of the Giants and Yanks, Dempsey and Carpentier. Appearances are misleading. Perry scans the headlines and stock transactions, then turns directly to the page labelled OF INTEREST TO WOMEN. Passing over the fashion notes and chit-chat he reads greedily:

Menu for May 10th Dinner.

Cream of asparagus soup, roast stuffed veal, hashed brown potatoes, fresh string beans and old-fashioned strawberry shortcake with whipped cream.

All his favorites are there. With equal relish he studies the news about left-overs. To Perry a stew, shepherd pie, or even hash, anything reminiscent of a regularly cooked roast, is utterly delectable. No left-overs are in Perry's life. He lives from can to mouth.

Perry has always possessed views, but in recent years his condemnations have been increasing. The trouble was, that when he met Ethel Roberts, shortly after her graduation from Vassar, his ideas were but vague preferences. She had received honors in mathematics and specialized in chemistry, yet despite this she was a radiant creature, with rare feminine charm. Perry saw and worshipped. She told him frankly that she preferred test tubes and measuring glasses to enameled sinks and aluminum cooking dishes, however bright and new. He didn't believe it; sure that she didn't understand the depths of her own nature. Nor the influence of his. All women, he thought, are domestic at heart and if the desire for cooking and dishwashing has been unnaturally suppressed, marriage will miraculously unfold it. Ethel was sufficiently in love to hope for the best. She too wanted a home and all that it means. She too had dreamed dreams. But she wanted also to be herself and to remain so after marriage, as Perry would remain himself.

Three months of housekeeping resulted in such havoc: burned food, broken dishes, general confusion and fatigue beyond the Coué-point that even Perry admitted something must be done. When he returned from work, he had neither an edible dinner, nor Ethel. She was stretched out on her bed, trying to recover—and remained an abstracted companion all the evening. For her part, Ethel announced her intention of resuming the relatively easy life of a wage earner. Her position in the laboratory of Proudfoote's Perfect Products was still open. There she had spent her days in blissful analysis of cold creams, scented soaps, tooth pastes and hair tonics.

"And now we will have the same jolly evenings together we had during our engagement," she told Perry. "In Civil War days, drafted men could hire a substitute. Housework is warfare to me. I shall use my salary for a real cook who will make you twice as comfortable as you've ever been in your life." The plan was good enough but the times were relatively cookless. Maids were corralled at high wages but they did not like a cramped kitchenette in a two by four apartment. With no mistress to direct, troubles developed. The changing procession from the Winship apartment suggested an America's Making Exhibit of Immigrant Nationalities.

Mornings, nowadays, Ethel and Perry make toast and coffee, consumed hurriedly, standing beside the gas burner. While Perry rinses the dishes, Ethel gives the house a once-over. They emerge, and pack themselves into subway trains, each hanging on a strap, and going in opposite directions. They do not meet for lunch. Perry takes his at an armchair joint, Ethel goes to a cafeteria. Evenings, once in a while, they try a restaurant; a ready-made table d'hôte, in seven courses, numbered, so that diners can tell whether they are eating soup, appetizer, entree or dessert. Perry leaves with the homeless expression of a stray cat, and after several treats of ptomaine, even Ethel usually prefers their kitchenette meals. So Perry has become a restive, turbulent, rebellious patron of the delicatessen.

Perry keeps a little flower under his mother's picture on the chiffonier. After all, she was his ideal of the true and womanly. Never in her busy life did she permit her husband or any of her four sons to eat food prepared or cooked out of the sacred precincts of the home kitchen. Perry told Ethel recently that he doubts if he can maintain his morale much longer on canned salmon, tuna fish, bologna sausage, frankfurters, cold ham and potato salad.

It is an uncompromising situation. Ethel is an excellent chemist. If she had lived a hundred years ago, with no outlet for her nature, she would have been one of those irritable, inefficient housekeepers and tart mothers who made life miserable for a whole family. Certainly the old order would not have miraculously given her a domestic tem-

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perament. Yet Perry from boyhood has dreamed of a home life exactly like that of his forefathers, with a wife always there, carrying on the processes that minister to his comfort. Life nowadays has set Ethel free. Her liberty, to him, is martyrdom.

If Perry is a victim of the new order, Maurice Elliot is one of its crucified. For what is mere physical discomfort and lost dreams compared with mental anguish and disgrace before your social class? Maurice lives in the East Sixties, near Fifth Avenue. It takes five butlers to pass a guest from the front door to the drawing room. So many men stand about in idleness the place suggests an employment bureau. When Maurice married Beatrice, she seemed exactly like any other high-heeled, flat-chested, pretty débutante, with not an idea in her head, beyond clothes and gayety. Maurice, who feared strong women as the pestilence, felt complacently certain she would uphold the traditions of the Elliots. She did, for a season or so. Then came disaster in the shape of her friendship with Marcia Flint—a cross between the Venus de Milo and Jeanne d'Arc.

Marcia taught Beatrice all about women from cave times on. She lent her a whole library of information on the subject of her sex, and its emergence. In particular, the vote being won, Marcia stressed the newer activities. She inoculated Beatrice with the belief that if women do not achieve self-support and refuse to live by the pauperizing hand of man, the struggle of the ages will be lost. Meanwhile, Maurice was absorbed in his own affairs: a golf tournament, a new yacht and a deal in foreign bonds. He saw very little of Beatrice but supposed she was carrying on her social obligations and supervising their offspring, Maurice Jr.

One morning, contrary to custom, Beatrice came to breakfast. She didn't seem dressed quite as usual. Maurice frowned. He thought she looked like a waitress in her black serge dress, white collar and cuffs. Abruptly and jerkily she explained. She had a job. Hereafter she would earn her own living. It wasn't exactly what she wanted: Miss Ingram's finishing school having dealt so tenderly with the three R's she couldn't qualify for stenography. So she had taken a course in shampooing and facial massage and was beginning work that morning in the Countess de Gandinzi's Beauty shop.

Maurice stared, trying to grasp her words. She recited them like a piece prepared for graduation. Out of respect for the three butlers, Maurice said nothing. He did not try to finish his breakfast, but sat looking at Beatrice as if she were some entirely strange, incomprehensible creature. But courtesy was with him:

"Shall I take you to Madame de Gandinzi's in the car?"

"No thanks, I'll use the L, like the other girls."

Maurice staggered over to his mother's, who summoned Beatrice's parents and a family council was held. Dowager Elliot laid down the law: no resistance. They should act as if they didn't know about it. If Beatrice couldn't be a martyr she would soon be weary. Only a fad. Girls were upset since the war—too bad peace came so soon to take away their womanly activities. Being with the Countess wasn't as bad as it might have been. Only modern exuberance—it won't last a week.

Maurice paced up and down the library wringing his hands. He felt like a man in a delirium, called suddenly to play a tragic rôle, like Othello or Macbeth. "It will ruin me. They will laugh at the club. Down town they'll think I'm bankrupt—can't support my wife. A beauty parlor! And what will my boy say when he grows up?—or the servants?"

The Dowager's predictions were wrong. Beatrice, as a hair-dresser, was gloriously happy. It gave her the first personal expression of her life. Noons, she chummed with the girls, eating sandwiches and drinking coffee sent in from Dinsway's Delicatessen and Lunch. When Maurice discovered this last disgrace, he collapsed. Now, he cannot pass one of those places without a nervous chill and his doctors have feared a neurosis and so informed Beatrice. For some reason, she only chuckled.

Delicatessens, it appears, do not dominate any strict social level. They are omnipresent and omnipotent; contaminating rich man and poor. Enrico Brunello, Ivan Borovitch, Isaac Blutstein and Gustaf Ollson succumbed to them from the days of nursing bottles. Because of them, even Patrick Grady has long avoided starvation. Norah Grady is a day's cleaner, for Pat's earnings as pick and shovel man in Deneen's gang do not begin to feed their ten hungry children. Norah puts each ever-present baby in the Day Nursery, and by a local system of care-taking, each child out of school hours takes charge of the next younger. Wurstberger's, on the corner, does the rest.

Patrick doesn't complain, but he's discontented. In his heart he is a sort of polygamist. He would like to divide Norah into twins: so half of her could go out cleaning and earning while the other half stayed home, baby-rearing, and waiting for his return with a fine large dinner of beef and cabbage, boiled potatoes, soda muffins and pie.

"Sure, it's not like the days of me old home, at all," he delights to announce glumly.

"Deed it's not," Norah agrees, picturing, instead of days cleaning and the corner store, a long green field showing through the windows of a rollicking old kitchen, and pans of milk sitting serenely in the pantry. Norah has not heard of the economic independence of woman; but there never was a time she didn't experience it. Her work supports herself and five Gradys, and with only the brief annual interruptions, for which she is never to blame, it always has. "It's either kids to pay for

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or Aunts and Mothers, it is." If she were told that eight and a half million women are gainfully employed out of the home in the United States she wouldn't dispute it. It's a matter of course, with her.

Yet, in her heart, despite it all, Norah has unbounded sympathy for Pat. Sure, she knows how he hates store-cooked things. Doesn't she herself, now. But what is there to do, things being what they are? She only prays that little Micky won't go to the hospital again, from eating that store stuff, poison he got out of a tin, the doctors said. She's troubles enough, already.

Patrick and Norah will get along well enough; their sorrows are mainly material: Maurice can make shift, for his are social. It is at Perry's level the pinch comes. Always, the middle class man has been taken care of in his personal and domestic life. He has back of him for generations the idea that household processes go on, systematically and automatically, with a mother, a sister or a wife in command for as long as they can manage to live. In times past, women deserted only by death and then most of them were promptly replaced, as the headstones in our graveyards testify. Women leave their spheres today from choice and economic necessity as well. Perry is confronted with making an entirely new adjustment in home ways. With his heart turned backward and unaware of the future, he is the victim of a changing social order. It seems to him but delicatessens and woman's will.

There are always a few who accept transitions without weeping and vituperation. They may have no scholastic jargon or statistics to quote, and yet be conscious that today they are somehow playing a game that most of us must play, when half the world is in the Elizabethan age and the rest in 1999 A. D., when living is a makeshift between the patriarchal plantation and the dim cooperative future when food, clothing and possibly infants will come in a sealed package.

And after all Perry is no more the victim of circumstance than was the aboriginal hunter. He is cursed with the task of bringing into his walled apartment his share of the canned tongue and chicken wings; but he sits down with the consciousness that he did not have to kill the bird or skin the pig, while the coffee is cooked on a fire no longer dependent on the delicate art of splitting wood. It may even be that he is better off than his grandfather and has a larger share in his home. The Lord of the Manor was lord in appearance only, being chiefly a necessary adjunct to producing and supporting a family. He was an alien beyond the masculine line of sitting room, bedroom and chimney-corner. A delicatessen husband has a greater companionship in marriage than that. At any rate, he is gaining respect, even for a boiled egg, that no amount of theory could inspire.

FLORENCE GUY WOOLSTON.

Mexico's Labor Movement

FOR Mexican labor the Revolution has been like a shifting of the earth's axis which gives Nova Zembla the climate of Florida. The Obregon government is not for one class, but it is more of a labor government than it is anything else. This is why all the attempts against it, whatever their slogans, emanate from the capitalistic interests. None of its predecessors has so heeded the desires of the workers. Labor leaders admit that it gives them as good an opportunity as they could reasonably expect. Its secretary of the treasury, Mr. de la Huerta, during the seven months he was Interim President, settled forty-three strikes and he settled them all in favor of labor.

Why this government is so pro-labor was explained to me by Mr. Cabrera, the brilliant finance minister of Carranza.

> In your country the capital is native, while the labor is largely foreign, the result being that labor is weakened. Here it is just the opposite. Our labor is native, while the capital is largely foreign, the result being that capital is weakened. For this reason public opinion and government in Mexico are more sympathetic with labor than in the United States, although, to be sure, our government is sometimes deterred from standing up for labor because of the international complications which may ensue.

Under Diaz, who looked upon most associations of workers as seditious, a labor movement had scarcely more show in Mexico than a Methodist camp meeting would have in Bokhara. But in 1911 three anarchists went about telling the Mexican proletarians that the amelioration of their lot was perfectly simple. Chase away the capitalists and the world will be theirs. Production would be as copious as before, but they could keep all the product. Labor revolted, indeed, and helped put in power a Madero and a Carranza, but the pelado, the "skinned man," remained skinned. Production went to pieces and the people came to want. Disappointed again and again, it was at last borne in upon the working men that mere revolting was not getting them anywhere, so they began to give ear to leaders who told them that the betterment of labor's lot is a matter of patient, long-continued education and organization. Since the Mexican proletariat came to see that their salvation lies in construction rather than in more tearing down, organization has grown like Jonah's gourd.

Small-bore business men shriek that the Mexican labor movement is led by puppets on wires pulled from Moscow. The truth is that it is wellnigh as indigenous as the cactus or the maguey. It responds not to foreign impulsions, but to the situations and needs of the Mexican working class.

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It is guided by men unacquainted with European social speculation. No Russian agents have been active in Mexico in recent years. Nor is the movement a creation of intellectuals. It is fomented and guided by genuine workers. While the Central Committee of the Confederacion has organizers in the field all the time, they are not professional organizers but real working men on special duty. In its struggle labor has had no support from the liberal professions, because these were manned exclusively by sons of the propertied.

The leaders of Mexican labor understand very well that their country is far from ready for the "socialization" of her industries. Inquiries in various centres failed to bring to light a single responsible political or labor leader who advocates the dictatorship of the proletariat, or the seizure of the factories by the working men, or the immediate nationalization of industries. "We aim," explained the secretary of the Confederacion, "not to be rid of the capitalists, but to substitute good capitalists for bad ones." Labor chiefs see quite clearly that an uninterrupted inflow of foreign capital is the pulmotor that will resuscitate Mexico economically and that therefore capital must not be frightened away. They look for socialization to begin as soon as bodies of workers become sufficiently experienced, organized and disciplined. to run successfully on the public account, the factories they work in.

Bolshevism has spread somewhat along the lower levels but it is Spaniards, not Russians, who are responsible. In fact, Mexico's social conflicts have been greatly aggravated by the 60,000 or 70,000 Spaniards in her midst. The grasping and cruel hacendados and administradors helped goad the peons into rebellion. The Spanish merchants not only took the utmost advantage of their simple-minded customers, but they were exceedingly cunning and cruel money lenders. Always the first revolutionary act in a town was to chase away the hated gachupines and loot their shops. Now, since the close of the World War, workmen embittered by persecution, have been coming in from Spain and striving to infect Mexican laborers with their own fierce rebellious mood.

Alarmed at the slipping of the Mexican workers from her control, the Church is trying to marshal them into unions, which submit themselves to the authority of the Church, and pledge respect for the "fundamentals of society," i. e. Religion, Country, Family and Property. It is claimed that 200,000 have been enrolled in two years and that new unions are established every week. This Church-managed movement excites the sardonic mirth of men who risked their skins for the exploited workers years before the clergy showed any interest in their lot. Said a Governor: "The organization of workingmen under Catholic auspices is a mere blind set up in the interests of the employers and the Church. Wages will never be raised by means of these unions." The heads of the Confederacion, who deny that there are more than 120,000 in the Catholic unions, regard them as "an open shop dodge" and expect them to crumble in two or three years.

In Article 123 of the Constitution, Mexican labor has a charter of rights such as no other labor ever had. The article decrees the eight-hour working day; the seven-hour working night; the six-hour day for working children twelve to sixteen; no night work for women and children; one day of rest in seven; a vacation on pay for child-bearing; a living wage; no garnishment of the living wage; enforced profit-sharing; cash wages; double pay for overtime; housing for workingmen; accident compensation; safe and sanitary work places; right to organize; right to strike or shut down; three months' wages for unwarranted dismissal; worker's lien; immunity of wages from attachment; free employment bureaus; no contracting out of workingmen's rights; social insurance; cooperative building associations.

In Mexico fifty cents a day is the going wages for common labor while eighty-five cents is about the maximum, save in the capital. In the judgment of one of our consuls, Mexican labor is getting about 30 percent of what the same labor would get in the United States. Even the representatives of great foreign companies recognize that Mexican labor has been atrociously exploited and that this is one source of the luscious profits that gave Mexico the reputation, throughout the world, of being such a "rich" country. This is why the Constitution declares "In all agricultural, commercial, manufacturing, or mining enterprises the workmen will have a right to share in the profits."

The workman has the right to be indemnified by three months' pay if he has been discharged without just cause, or for being a union man, or for having taken part in a lawful strike. No law has been based on the clause—as is the case with many of the liberal provisions of the new Constitution—and it might not stand in the courts, but it guides the decisions of boards of arbitration. Employers say that in practice they have to pay dismissal wages unless they can show cause for discharge. As a man's fellow will not testify as to his being disobedient or incompetent, it is hard for them to prove just cause. Accordingly employers have become very careful as to the quality of men they hire.

Another conquest which will make the American wage earner rub his eyes is the right to receive wages while on a justified strike. If a board of arbitration finds that a strike was rightful it may order the employer to pay the strikers all or a part of the wages they have lost. Only recently the settlement of the long strike in a big printing shop in Mexico City provided for three weeks' pay for the strikers. Capital knuckles down be-

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cause the government may take over and run a concern or public utility in case the owners prove recalcitrant to the award of an arbitration board. A French cotton mill in the capital discharged half a dozen men arbitrarily and on its refusal to take them back the government took and ran it until the owners gave in.

But even without the old labor-skinning juicy profits are still to be had in Mexico. In private many capitalists admit that they are accommodating themselves to the new situation and intend to go ahead. In a northern city I interviewed the managers of two smelters and a steel works, which employ nearly 5,000 men. None reported any extreme or unreasonable demands from their unionized men. They have no anxiety lest their men succumb to "red" propaganda. As they see it, their future hinges much more on the stability of government than upon the attitude of their labor. In another city an American smelter man said, "Labor is nowadays harder to manage and occasionally it demands the unreasonable. It will have to learn by chastening experience what rights it must respect in capital. I do not deplore the spread of organization among the working men. It had to come and it is legitimate." The American head of a light and power company observed: "There is much less Bolshevist sentiment here than in 1915-17. The country is getting better right along. We can rub along and make money even with this demanding labor."

However, the chief good from the Revolution is unquestionably the new spirit engendered. Penury is still the lot of the common laborer but there is now fire in his heart, hope in his eye. Full well he knows that his children are not to be serfs. Myriads daily go ill-fed to work just as toilsome as ever, but they mind it less because, far and faint, they hear a song of good cheer.

The labor movement beyond the Rio Grande is, on the whole, normal and healthful. Without it the workers would reap little from the Revolution. The foolishness and crime that accompany it are but the foam on the waves. Wild talk and occasional fights between unionists and non-unionists do not portend that Mexican wage earners are going to turn against their country, abandon their religion, or harry their employers until they quit in disgust. Their leaders are probably no more rabid than were the American labor leaders thirty-five years ago. Dangerous tendencies, instead of growing, will slowly disappear, as Mexican labor registers economic and social progress and comes to feel itself strong and secure.

EDWARD ALSWORTH ROSS.

[This is the third of a series of articles on current social and economic conditions in Mexico, where the author recently spent several months. They will appear, in an expanded form, as part of the contents of Professor Ross's forthcoming book, Social Revolution in Mexico.—THE EDITORS.]

Dissenting Opinions in the Minimum Wage Case

[The following is the full text of the dissenting opinions of Chief Justice Taft and Justice Holmes in the recent Supreme Court decision in the District of Columbia minimum wage case, discussed in an article elsewhere in this issue.]

MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA vs. THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA.

[April 9, 1923]

Mr. Chief Justice Taft, dissenting.

I regret much to differ from the Court in these cases. The boundary of the police power beyond which its exercise becomes an invasion of the guaranty of liberty under the Fifth and Fourteenth Amendments to the Constitution is not easy to mark. Our Court has been laboriously engaged in pricking out a line in successive cases. We must be careful, it seems to me, to follow that line as well as we can and not to depart from it by suggesting a distinction that is formal rather than real.

Legislatures in limiting freedom of contract between employee and employer by a minimum wage proceed on the assumption that employees, in the class receiving least pay, are not upon a full level of equality of choice with their employer and by their necessitous circumstances are prone to accept pretty much anything that is offered. They are peculiarly subject to the overreaching of the harsh and greedy employer. The evils of the sweating system and of the long hours and low wages which are characteristic of it are well known. Now, I agree that it is a disputable question in the field of political economy how far a statutory requirement of maximum hours or minimum wages may be a useful remedy for these evils, and whether it may not make the case of the oppressed employee worse than it was before. But it is not the function of this Court to hold congressional acts invalid simply because they are passed to carry out economic views which the Court believes to be unwise or unsound.

Legislatures which adopt a requirement of maximum hours or minimum wages may be presumed to believe that when sweating employers are prevented from paying unduly low wages by positive law they will continue their business, abating that part of their profits, which were wrung from the necessities of their employees, and will concede the better terms required by the law; and that while in individual cases, hardship may result, the restriction will enure to the benefit of the general class of employees in whose interest the law is passed and so to that of the community at large.

The right of the legislature under the Fifth and Fourteenth Amendments to limit the hours of employment on the score of the health of the employee, it seems to me, has been firmly established. As to that, one would think, the line had been pricked out so that it has become a well formulated rule. In *Holden* v. *Hardy,* 169 U. S. 366, it was applied to miners and rested on the unfavorable environment of employment in mining and smelting. In *Lochner* v. *New York,* 198 U. S. 45, it was held that restricting those employed in bakeries to ten hours a day was an arbitrary and invalid interference with the liberty of contract secured by the Fourteenth Amendment. Then

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followed a number of cases beginning with *Muller* v. *Oregon,* 208 U. S. 412, sustaining the validity of a limit on maximum hours of labor for women to which I shall hereafter allude, and following these cases came *Bunting* v. *Oregon,* 243 U. S. 426. In that case, this Court sustained a law limiting the hours of labor of any person, whether man or woman, working in any mill, factory or manufacturing establishment to ten hours a day with a proviso as to further hours to which I shall hereafter advert. The law covered the whole field of industrial employment and certainly covered the case of persons employed in bakeries. Yet the opinion in the *Bunting* case does not mention the *Lochner* case. No one can suggest any constitutional distinction between employment in a bakery and one in any other kind of a manufacturing establishment which should make a limit of hours in the one invalid, and the same limit in the other permissible. It is impossible for me to reconcile the *Bunting* case and the *Lochner* case and I have always supposed that the *Lochner* case was thus overruled *sub silentio.* Yet the opinion of the Court herein in support of its conclusion quotes from the opinion in the *Lochner* case as one which has been sometimes distinguished but never overruled. Certainly there was no attempt to distinguish it in the *Bunting* case.

However, the opinion herein does not overrule the *Bunting* case in express terms and therefore I assume that the conclusion in this case rests on the distinction between a minimum of wages and a maximum of hours in the limiting of liberty to contract. I regret to be at variance with the Court as to the substance of this distinction. In absolute freedom of contract the one term is as important as the other, for both enter equally into the consideration given and received, a restriction as to one is not any greater in essence than the other, and is of the same kind. One is the multiplier and the other the multiplicand.

If it be said that long hours of labor have a more direct effect upon the health of the employee than the low wage, there is very respectable authority from close observers, disclosed in the record and in the literature on the subject quoted at length in the briefs that they are equally harmful in this regard. Congress took this view and we can not say it was not warranted in so doing.

With deference to the very able opinion of the Court and my brethren who concur in it, it appears to me to exaggerate the importance of the wage term of the contract of employment as more inviolate than its other terms. Its conclusion seems influenced by the fear that the concession of the power to impose a minimum wage must carry with it a concession of the power to fix a maximum wage. This, I submit, is a *non sequitur.* A line of distinction like the one under discussion in this case is, as the opinion elsewhere admits, a matter of degree and practical experience and not of pure logic. Certainly the wide difference between prescribing a minimum wage and a maximum wage could as a matter of degree and experience be easily affirmed.

Moreover, there are decisions by this Court which have sustained legislative limitations in respect to the wage term in contracts of employment. In *McLean* v. *Arkansas,* 211 U. S. 539, it was held within legislative power to make it unlawful to estimate the graduated pay of miners by weight after screening the coal. In *Knoxville Iron Co.* v. *Harbison,* 183 U. S. 13, it was held that stores orders issued for wages must be redeemable in cash. In *Patterson* v. *Bark Eudora,* 190 U. S. 169, a law forbidding the payment of wages in advance was held valid. A like case is *Strathearn S. S. Company* v. *Dillon,* 252 U. S. 348. While these did not impose a minimum on wages, they did take away from the employee the freedom to agree as to how they should be fixed, in what medium they should be paid, and when they should be paid, all features that might affect the amount or the mode of enjoyment of them. The first two really rested on the advantage the employer had in dealing with the employee. The third was deemed a proper curtailment of a sailor's right of contract in his own interest because of his proneness to squander his wages in port before sailing. In *Bunting* v. *Oregon, supra,* employees in a mill, factory or manufacturing establishment were required if they worked over ten hours a day to accept for the three additional hours permitted not less than fifty percent more than their usual wage. This was sustained as a mild penalty imposed on the employer to enforce the limitation as to hours; but it necessarily curtailed the employee's freedom to contract to work for the wages he saw fit to accept during those three hours. I do not feel, therefore, that either on the basis of reason, experience or authority, the boundary of the police power should be drawn to include maximum hours and exclude a minimum wage.

Without, however, expressing an opinion that a minimum wage limitation can be enacted for adult men, it is enough to say that the case before us involves only the application of the minimum wage to women. If I am right in thinking that the legislature can find as much support in experience for the view that a sweating wage has as great and as direct a tendency to bring about an injury to the health and morals of workers, as for the view that long hours injure their health, then I respectfully submit that *Muller* v. *Oregon,* 208 U. S. 412, controls this case. The law which was there sustained forbade the employment of any female in any mechanical establishment or factory or laundry for more than ten hours. This covered a pretty wide field in women's work and it would not seem that any sound distinction between that case and this can be built up on the fact that the law before us applies to all occupations of women with power in the board to make certain exceptions. Mr. Justice Brewer, who spoke for the Court in *Muller* v. *Oregon,* based its conclusion on the natural limit to women's physical strength and the likelihood that long hours would therefore injure her health and we have had since a series of cases which may be said to have established a rule of decision. *Riley* v. *Massachusetts,* 232 U. S. 671; *Miller* v. *Wilson,* 236 U. S. 373; *Bosley* v. *McLaughlin,* 236 U. S. 385. The cases covered restrictions in wide and varying fields of employment and in the later cases it will be found that the objection to the particular law was based not on the ground that it had general application but because it left out some employments.

I am not sure from a reading of the opinion whether the Court thinks the authority of *Muller* v. *Oregon* is shaken by the adoption of the Nineteenth Amendment. The Nineteenth Amendment did not change the physical strength or limitations of women upon which the decision in *Muller* v. *Oregon* rests. The Amendment did give women political power and makes more certain that legislative provisions for their protection will be in accord with their interests as they see them. But I don't think we are warranted in varying constitutional construction based on physical differences between men and women, because of the Amendment.

But for my inability to agree with some general observations in the forcible opinion of Mr. Justice Holmes who follows me, I should be silent and merely record my concurrence in what he says. It is perhaps wiser for me, however, in a case of this importance separately to give my reasons for dissenting.

I am authorized to say that Mr. Justice Sanford concurs in this opinion.

Mr. Justice Holmes, dissenting.

The question in this case is the broad one, Whether Congress can establish minimum rates of wages for women

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in the District of Columbia with due provision for special circumstances, or whether we must say that Congress has no power to meddle with the matter at all. To me, notwithstanding the deference due to the prevailing judgment of the Court, the power of Congress seems absolutely free from doubt. The end, to remove conditions leading to ill health, immorality and the deterioration of the race, no one would deny to be within the scope of constitutional legislation. The means are means that have the approval of Congress, of many States, and of those governments from which we have learned our greatest lessons. When so many intelligent persons, who have studied the matter more than any of us can, have thought that the means are effective and are worth the price it seems to me impossible to deny that the belief reasonably may be held by reasonable men. If the law encountered no other objection than that the means bore no relation to the end or that they cost too much I do not suppose that any one would venture to say that it was bad. I agree, of course, that a law answering the foregoing requirements might be invalidated by specific provisions of the Constitution. For instance it might take private property without just compensation. But in the present instance the only objection that can be urged is found within the vague contours of the Fifth Amendment, prohibiting the depriving any person of liberty or property without due process of law. To that I turn.

The earlier decisions upon the same words in the Fourteenth Amendment began within our memory and went no farther than an unpretentious assertion of the liberty to follow the ordinary callings. Later that innocuous generality was expanded into the dogma, Liberty of Contract. Contract is not specially mentioned in the text that we have to construe. It is merely an example of doing what you want to do, embodied in the word liberty. But pretty much all law consists in forbidding men to do some things that they want to do, and contract is no more exempt from law than other acts. Without enumerating all the restrictive laws that have been upheld I will mention a few that seem to me to have interfered with liberty of contract quite as seriously and directly as the one before us. Usury laws prohibit contracts by which a man receives more than so much interest for the money that he lends. Statutes of frauds restrict many contracts to certain forms. Some Sunday laws prohibit practically all contracts during one-seventh of our whole life. Insurance rates may be regulated. *German Alliance Ins.* v. *Kansas,* 233 U. S. 389. (I concurred in that decision without regard to the public interest with which insurance was said to be clothed. It seemed to me that the principle was general.) Contracts may be forced upon the companies. *National Union Fire Ins. Co.* v. *Wanberg,* November 13, 1922. Employers of miners may be required to pay for coal by weight before screening. *McLean* v. *Arkansas,* 211 U. S. 539. Employers generally may be required to redeem in cash store orders accepted by their employees in payment. *Knoxville Iron Co.* v. *Harrison,* 183 U. S. 13. Payment of sailors in advance may be forbidden. *Patterson* v. *Bark Eudora,* 190 U. S. 169. The size of a loaf of bread may be established. *Schmidinger* v. *Chicago,* 226 U. S. 578. The responsibility of employers to their employees may be profoundly modified. *New York Central R. R. Co.* v. *White,* 243 U. S. 188. *Arizona Employers' Liability Cases,* 250 U. S. 400. Finally women's hours of labor may be fixed; *Muller* v. *Oregon,* 208 U. S. 412; *Riley* v. *Massachusetts,* 232 U. S. 671, 679; *Hawley* v. *Walker,* 232 U. S. 718; *Miller* v. *Wilson,* 236 U. S. 373; *Bosley* v. *McLaughlin,* 236 U. S. 385; and the principle was extended to men with the allowance of a limited overtime to be paid for "at the rate of time and one-half of the regular wage," in *Bunting* v. *Oregon,* 243 U. S. 426.

I confess that I do not understand the principle on which the power to fix a minimum for the wages of women can be denied by those who admit the power to fix a maximum for their hours of work. I fully assent to the proposition that here as elsewhere the distinctions of the law are distinctions of degree, but I perceive no difference in the kind or degree of interference with liberty, the only matter with which we have any concern, between the one case and the other. The bargain is equally affected whichever half you regulate. *Muller* v. *Oregon,* I take it, is as good law today as it was in 1908. It will need more than the Nineteenth Amendment to convince me that there are no differences between men and women, or that legislation cannot take those differences into account. I should not hesitate to take them into account if I thought it necessary to sustain this Act. *Quong Wing* v. *Kirkendall,* 223 U. S. 59, 63. But after *Bunting* v. *Oregon,* 243 U. S. 426, I had supposed that it was not necessary, and that *Lochner* v. *New York,* 198 U. S. 45, would be allowed a deserved repose.

This statute does not compel anybody to pay anything. It simply forbids employment at rates below those fixed as the minimum requirement of health and right living. It is safe to assume that women will not be employed at even the lowest wages allowed unless they earn them, or unless the employer's business can sustain the burden. In short the law in its character and operation is like hundreds of so-called police laws that have been upheld. I see no greater objection to using a Board to apply the standard fixed by the Act than there is to the other commissions with which we have become familiar, or than there is to the requirement of a license in other cases. The fact that the statute warrants classification, which like all classifications may bear hard upon some individuals, or in exceptional cases, notwithstanding the power given to the Board to issue a special license, is no greater infirmity than is incident to all law. But the ground on which the law is held to fail is fundamental and therefore it is unnecessary to consider matters of detail.

The criterion of constitutionality is not whether we believe the law to be for the public good. We certainly cannot be prepared to deny that a reasonable man reasonably might have that belief in view of the legislation of Great Britain, Victoria and a number of the States of this Union. The belief is fortified by a very remarkable collection of documents, submitted on behalf of the appellants, material here, I conceive, only as showing that the belief reasonably may be held. In Australia the power to fix a minimum for wages in the case of industrial disputes extending beyond the limits of any one State was given to a Court, and its President wrote a most interesting account of its operation. 29 Harv. Law Rev. 13. If a legislature should adopt what he thinks the doctrine of modern economists of all schools, that "freedom of contract is a misnomer as applied to a contract between an employer and an ordinary individual employee," *ibid.* 25, I could not pronounce an opinion with which I agree impossible to be entertained by reasonable men. If the same legislature should accept his further opinion that industrial peace was best attained by the device of a Court having the above powers, I should not feel myself able to contradict it, or to deny that the end justified restrictive legislation quite as adequately as beliefs concerning Sunday or exploded theories about usury. I should have my doubts, as I have them about this statute—but they would be whether the bill that has to be paid for every gain, although hidden as interstitial detriments, was not greater than the gain was worth: a matter that it is not for me to decide.

I am of opinion that the statute is valid and that the decree should be reversed.

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Mrs. Fiske's Play

The Dice of the Gods, by Lillian Barrett, National Theatre, April 5, 1923.

MRS. FISKE possesses in Mr. Alexander Woollcott's book of interviews with her such a happy conveyance of herself as no other artist on our stage has found. In this record of Mr. Woollcott's we have set forth for us delightfully and securely a portrait of an extraordinary taste, tact, intelligence, spirit and distinction brought to the theatre and theatrical problems. If only Mrs. Fiske would get hold of a play that might do something of the same thing for her!

The Dice of the Gods supplies to us first of all some of the worst acting in New York. Miss Lascelles appears to work sincerely, and she is convincing as often as not. But Mr. Donald Cameron from his very first step on the stage—the movement from the thigh to the knee, to be specific—shows that as an actor he is always wrong. He has confidence and a kind of impregnable keep-smilingness, but he gives an effect of being somehow subtly stuck in his own mass, and he maintains an impenetrable and pulpy self-possession that would blight any part. Mr. France Bendtsen as Giuseppe, the sympathetic Italian, cannot even approximate what is a fundamental part of acting, the particular physical vividness that can suggest the character attempted. The two French maids are scattered and useless. And Mr. Robert Strange is mortally uninteresting as the lover; Mr. Strange is worse even than the part as it is written.

Besides this inconsequent acting The Dice of the Gods supplies the story of Paddy, a woman addicted to drugs, who for her orthodox daughter's sake leaves the man she is living with, becomes a Greenwich Villager, and finally in Florence, where they laugha, singa, danca, kills herself in order to clear the way for her daughter's happy marriage. The play is at best an affair that rankles with thwarted ideas, thwarted possibilities for theatrical effects, and thwarted implications of poignant meanings. It has not the lucid continuity of popular melodrama, nor even the unified sputter of a passable movie. Obviously, then, The Dice of the Gods is bearable only for Mrs. Fiske's presence in it. And for me seeing Mrs. Fiske act always means exhilaration, provocation, delight and a kind of loyal remonstrance.

Mrs. Fiske's first gift is for the soubrette. In the ramifications of the soubrette she shines. Her resources there come nearest to that abundance, to that riotous excess and infectious high-color, that establish an important talent. From this gift it is that Mrs. Fiske gets her best moments of spring and go and glancing vitality. Through this gift hers is the most intelligent comedy on our stage; through it her comedy has imps in it, brains in it, horizon, bounce and acid in it, and her burlesque has style, vim and sly mentality.

Mrs. Fiske's immediate defect—more or less external and mechanical, though no less important for that—lies, as everybody knows, in the region of the direct, outward medium for acting. In all these years of experience Mrs. Fiske has never learned to breathe properly; her voice is still violently mannered and not seldom off the place; her movements and her walk are abrupt and monotonous, her body taut and staccato; her reading, especially her pauses, arbitrary and inexplicable, though sometimes arresting enough; her tone too often inaudible. In so far as acting is a bodily craft, dependent on tone, rhythm, movement, Mrs. Fiske has acquired little beyond a single, mannered and highly personal method.

Mrs. Fiske's profoundest shortcoming—and it is technical and spiritual both, as ought to be expected—is in eloquence. She has not the physical means, the rhythm, the tone, the gesture, that can establish that persuasive and carrying current of power and beauty that we call eloquent. And there seems to be something in Mrs. Fiske's mind and soul that mistrusts this splendor of emotion and of expression, and that thinks the brave smile in the face of adversity, the stiff upper lip, to be the main struggle of tragedy. And so her tragedy lacks fullness, fluidity and to much extent poetry. She cannot recite, cannot set aglow her matter with the charm of gesture and sound, cannot easily create a glowing series of rhythms that are in themselves creative. She cannot construct a great architecture of magnificent passion and emotion, not ignoble and hysterical but fundamental and complete. She cannot, in sum, find happiness in the release that comes of intense living, however tragic; she does not manifest a sense of joy in a final perfection and domination of style, in the beautiful and terrible, the delight and the destruction of high art.

And yet, with little equipment in sheer physical technique and with a limitation in eloquent volume that flats her love scenes, limits her expression of passion to certain repressed poignancies, and prevents any progress in the ornate, the formal, the classic or the prodigally figured styles, with all these backsets Mrs. Fiske succeeds in being always interesting. She has magnetism, pathos, wit and a strange personal cogency. Almost without external craft she gets effects sometimes that sweep you off your feet; in The Dice of the Gods her first exit, for example, is a marvel of impalpable, slight, intense tragedy and shy hurt; her management of the instant when, stung by her daughter's injustice she whips out her needle and exposes her drug habit, is unbelievably quick and sure. In her best moments Mrs. Fiske transcends the usual realm of acting by some fine thing she does, imperceptible but unerring, something that appears to proceed not from the actor's craft that she is able to employ but from a kind of mental device, an odd inner technique.

And so in that last scene of The Dice of the Gods, where Paddy has taken an overdose of morphia and sits down before the photograph of the dead man she had loved, Mrs. Fiske does something that drives you toward a terrible pathos. The means that she uses for this end are undiscoverable, all you see is the dramatic truth to be felt. You are almost persuaded that nothing but depth of spirit and understanding is needed for acting, so strong is the spell of this remarkable woman and the force of her idea. But then, before she lies down to fall asleep for the last time, Paddy from across the room has to speak two lines to the picture of the dead man; Mrs. Fiske's tone is off the place, her rhythm violently arbitrary and personal—and the spell is broken. In the art of acting the neglect of the sheer physical craft is like the neglect of the mere body in living: it avenges itself. And yet in the mind of her you know it is more than likely that Mrs. Fiske has for this moment an idea that is subtle and compelling.

STARK YOUNG.

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Californy or Bust

HOW to begin a review of a remarkable motion picture, without making it seem too remarkable? I might adduce the fact that I paid $7 for three seats (to a ticket speculator) and did not regret it . . . but no; probably the best opening is the Careful Summary, like this:

In this film, The Covered Wagon, it seems to me that the motion picture finds the field for which is it best adapted. It has done this before, of course, but not often: four or five times in the decade which comprises its history as an art. The Covered Wagon is not so fine an artistic achievement as The Birth of a Nation or Broken Blossoms, but it does show, better than almost any other film ever made, what sort of theme and treatment are best fitted to the powers and limitations of the screen. Whether the happy result in this case is the result of intelligent intention or just accident, doesn't particularly matter so far as I am concerned.

The Covered Wagon's story fits the motion picture because it is an epic: the epic of westward, ho! across the plains in the roaring Forties. Before our eyes a great wagon train assembles on the west bank of the Mizzoury river, opposite where Kansas City stands today. We travel with this train all the way to the Pacific slope: out along the slow, heart-breaking trail to Oregon, which was the homesteader's bright fixed star in 1848 before the gold rush. Our wagons bump behind the snail-like crawling oxen across uncounted miles of prairie; we have a heartbreaking struggle, and lose some of our cattle in crossing the terrible flood waters of the Platte. A few of us, faint hearts, give up and turn our oxen's faces toward the East—back to Pennsylvany and safety from Injuns and prairie fire, cyclone and water-starvation; but most of us press on—a great slow, sure migration of people who have half a continent to loot and know it, and bend willing shoulders to the task.

Over and over, in this picture, you stand at the head of the long line of prairie schooners, temporarily halted, dwindling off toward the horizon. A bugle sounds: a leader on horseback makes a semaphore of himself, and slowly the whole great train lumbers forward in its dust. The twenty-foot whips crack above the oxen; the women and babies peer out from the puckered canvas doorway, the lads on their ponies gallop ahead. You get an irresistible feeling of the movement of a whole population toward the sunset; of scores and scores of similar trains pouring through every gap in the Alleghanies, moving out across the Mississippi basin, sometimes down along the Santa Fe trail in the south, sometimes with Pike's Peak for a lodestar, or through Wyoming toward Oregon.

These people took with them into the West the Puritan civilization of New England; whether you like it or not, the land is marked with it today. Their sacred implement was the plow, their dominant passion was to fence and dig. Mercilessly they drove out the Indian as he in turn had once driven out a previous Aztec people. No one who has pondered the meaning of the frontier in the development of American institutions, or who has, like the writer, lived through a prairie boyhood long enough ago to have seen the last members of the Great Trek jolting westward, always westward, in the rutted roads between fenced fields, can fail to feel a clutch at the heart as the "prairie schooners" go bobbing and struggling, up and down the long slow slopes.

What I am praising, you note, is the theme of the picture, rather than its execution. Yet the latter is excellent, not only for what it does but for movie temptations resisted. For instance:

The handsome hero, suffering repeated attempts at murder by the villain, always catches him at it, always lets him go. Whereupon the hero's backwoods Faithful Friend (magnificently played by Ernest Torrence) denounces him roundly as a careless fool, a dolt, an idiot; and finally, to the audience's unbounded delight, takes matters in his own two fists and himself kills that villain—when he isn't looking. You wouldn't, to paraphrase the useful Mr. Kipling, find that in a mere smear movie.

Point two: most of the males, including a twelve-year old hellion who is all boy, chaw tobacker; and they chaw it in the unlovely, juice-dripping style of real life.

Point three: The highly virtuous back woodsman and his truly noble chum, the scout, arrive at a trading post. Thereupon, to the undoubted anguish of the troglodytes on the Pennsylvania Board of Censors, they proceed to get good and drunk. (Incidentally, I defy you, I defy you not to hold your breath when these two rip-roaring drunken old scoundrels proceed, a la William Tell, to shoot tin cups off each other's head at fifty yards.)

Point four: An old lady dies en route, and is buried on the lone prairie. It is easy to see how a director with less passion for historical fact than James Cruze would have done this bit: the lonely little white cross in the illimitable gray waste, etc. Iris out on cross silhouetted against sunset; cut to closeup of coyote's head, howling. Not so Mr. Cruze. It is explained that the Indians who lurk behind every big wagon train waiting for strays and stragglers, had just as lief loot a grave as not. Therefore ashes are scattered over the levelled top of this one and the entire wagon train runs over it.

Point five: There are some exquisite scenes showing the pioneers, halted for the night, seated about their campfires. Leaping flames, flickering lights on the canvas wagon tops in the background, and the high wide heavens of the West overhead; a lovely picture—and right in the middle of the foreground, the prairie mothers in hideous rocking chairs, temporarily appropriated from the wagons' cargo. A bit of sheer ugliness which (for me, at least) synthesizes into a whole possessing the beauty of truth.

Not all the film lives up to these high marks, of course. We have a hero who, having been dismissed from the army for cattle stealing, submits to a tongue lashing from his lady love and never even tries to tell her that he took the cattle only to keep his troop from starving to death in the desert. We have, again, the heroine herself, under no sort of compulsion from her doddering parents, about to marry a villain whom she does not love—an act without a shadow of a reason unless we are to infer a congenital preference in the buxom miss for the worst of marriages as against the best of spinsterhoods. Finally, it annoyed me to see this heroine, in the midst of grime and sweat and dust, always unutterably clean, as immaculate in snowy linen collar and cuffs, as a Lucille mannikin, standing out against the crowd like a bar of soap in a coal bin.

These are minutiae, however, and perhaps hardly fair to mention. As a whole this motion picture must certainly rank among the four or five best ever produced, and as a wholly admirable attempt at the task to which the powers of the camera best lend themselves—the recording of an epic story, where the struggle is all on the surface, and with man's first and last enemy, Mother Earth herself.

BRUCE BLIVEN.

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Facts and Fancies of Immigration

A Study of American Intelligence, by Carl C. Brigham. Princeton: Princeton University Press. $3.50.

THERE can be no doubt that Mr. Brigham has done us a service. He has presented clearly and for a wide audience data of social significance that were lost before in the half-million words that make up the official report of the intelligence examinations of the army recruits. In this study he is primarily interested in the problem of the intelligence of foreign-born recruits in relation to immigration. With his book in hand one can no longer be doubtful as to what the foreign-born recruits did in the army tests of intelligence. It seems to me, however, that a reasonable doubt arises when Mr. Brigham starts to reason from the particulars of his recruits to the universals of immigrants and races. Here, I think, the thoughtful reader is likely to refuse to follow him.

There is thus only one type of important error in the book. If Socrates was a man and if Socrates was mortal, it does not follow that all men are mortal, for you cannot reason thus from particulars to the universal. Mr. Brigham leaves the reader without any doubt as to the performances of 2340 Russians or 325 Danes in the army tests. To tell, however, what these particular recruits did is not to tell about the differences between Russian and Danish immigrants, nor about Russians and Danes in general when tested by this test, nor about the intelligence of Russians and Danes when intelligence is defined more broadly than the results of the test, nor about the general mental characteristics of Russians and Danes, nor about the social part that Russians and Danes might play in the civilization of the United States. All these things constitute, as stated, an increasing order of universality, and the establishment of the bearing of the observations of particular samples of recruits upon them is an intricate and by no means certain process of reasoning.

There were available for Mr. Brigham 12,492 foreign-born recruits whose records in the intelligence tests had been treated statistically. This group is about one-three-hundredth of the foreign-born population of the United States. With it in hand Mr. Brigham concludes, in the first place, that "the results of the psychological tests . . . indicate definitely that the average intelligence of succeeding waves of immigration has become progressively lower" (p. 155); and, in the second place, that American intelligence is waning. "American intelligence is declining, and will proceed with an accelerating rate as the racial admixture becomes more and more extensive. . . . These are plain, if somewhat ugly, facts which our study shows. The deterioration of American intelligence is not inevitable, however, if public action can be aroused to prevent it. . . . Immigration should not only be restrictive but highly selective. . . . The really important steps are those looking toward the prevention of the continued propagation of defective strains in the present population" (p. 210). Well?

The first conclusion is derived from the army's data which show decisively that foreign-born recruits, who had immigrated recently, tested lower than foreign-born recruits who had immigrated fifteen or twenty years before the time of the test; and that, when successive quinquennia are considered, the decrease in intelligence, as the tests tested it in 1918, is continuous. This is an irrefutable fact. The difficulty comes when we seek to reason from the particulars to the general, from the particular samples of foreign-born recruits to the general class of immigrants. There are five possibilities.

(1) Mr. Brigham may be right.

(2) The sample may have been inadequate. For the two decades in question Mr. Brigham has in his sample only about one person for every thousand that came to this country. We know little of how the draft worked and cannot be sure that such a small sample represents the larger group.

(3) It might have been that the stupid immigrants failed in this country and went back home disappointed, while the bright immigrants succeeded and remained in the land of opportunity. It is psychologically plausible and Mr. Brigham's appeal in this connection to the "normality" of the distribution of intelligence scores is not sound statistics.

(4) Again it is possible that younger boys have to be relatively brighter in order to venture to immigrate or to have their parents venture for them. Mr. Brigham's results would follow if boys of ten who immigrate had been on the average half a year more in advance of their normal "mental age" than boys of fifteen.

(5) Finally there is the possibility that these differences are "caused by the better adaptation of the more thoroughly Americanized group to the situation of the examination." The army psychologists regarded this possibility seriously; they had given the tests and they did not feel sure that there was not something particularly American about the hurly-burly of urging foreigners, many of them illiterate, to do their level best in a paper-and-pencil test. Mr. Brigham's rejoinder is that American intelligence is the only kind of intelligence that we want in America. I wonder.

I do not conclude, therefore, that Mr. Brigham is wrong. He may be right. There are, however, so many other possibilities that I think we can say little more than that we do not know; or, if in the face of our ignorance we have to make a judgment, we may say that the chances are that he is wrong.

Now if our immigrants are getting worse and worse, as Mr. Brigham thinks, it must be that we are getting stupider people from the same countries or more people from stupider countries. Mr. Brigham believe the latter hypothesis and he presents many data comparing groups of foreign-born recruits by the country of their nativity. Here, as elsewhere, his principal shortcoming lies in his incautious passage from particulars to generals, although in other places he is the soul of caution. For example, on page 155 he notes the smallness of his sample and says: "We must therefore state our conclusions less dogmatically, and with the proviso that if the groups examined in the army are typical of the immigration coming to this country in the same periods, then we know that our more recent periods of immigration give us an average intelligence which becomes progressively lower and lower." But then on page 205 without qualification he is saying of our racial groups that "if these four types blend in the future into one American type, then it is a foregone conclusion that this future blended American will be less intelligent than the present native born American," and on page 210, he is arguing for "legal steps" in the face of these "plain, if somewhat ugly, facts." This is just the point. How "plain" are these facts? They are plain when applied to the army recruits; they are exceedingly obscure when applied

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to a description and to a prediction of American civilization.

For the sake of simplicity, presumably, Mr. Brigham segregates his data into three racial groups: the Nordic, the Alpine and the Mediterranean. The various countries are pro-rated among these three races according to certain ethnological fractions which Mr. Brigham has constructed "in collaboration with students of this subject." Since certain nations dominate each of the groups, we shall, however, not be far wrong if we translate "Nordic" to "Scandinavian and English," "Alpine" to "Russian and Italian," and "Mediterranean" to "Italian." These national terms seem to me preferable since they do not give the illusion of abstract generality which the racial terms give. One can think specifically about the factors which might cause a Swede to immigrate, to return to Sweden after he had been in this country for a while, or to do poorly in an army examination; but one can not image a "Nordic" leaving "Liverhagen" or "Copenpool" and meeting with the particular conditions that affect the career of a "Nordic" in America.

Mr. Brigham, however, recomputes the army data for these three racial groups. He finds that the indicated intelligence of the "Nordic" is greater than the indicated intelligence of the "Alpine" group by a given amount, and that the "Mediterranean" group ranks below the "Alpine" by a smaller amount. The differences are statistically significant, but do the results mean anything as to the nations from which we should draw our immigrants?

On this point Mr. Brigham suggests that the superiority of the Nordic group might possibly be due to the fact that they understood English better, and he therefore separates the English-speaking "Nordics" from the non-English-speaking "Nordics." The non-English-speaking "Nordics" are still as much better than the "Alpines" as the "Alpines" are better than the "Mediterraneans." Mr. Brigham therefore discards the effect of a knowledge of English in stating his differences. It is nevertheless very unsettling thus to find that being born in an English-speaking country helps almost as much in the intelligence examination as does being a non-English-speaking "Nordic" instead of an "Alpine," or as having immigrated twenty years ago instead of now. We have come here upon an artifact which is almost as large as any of the differences which we are considering. The army results were not collected with an ultimate scientific analysis in mind, and it is sheer luck that in this case we are able to determine one constant of our instrument. My mind and Mr. Brigham's, however, do not work in the same way. When I find so large an artifact, under conditions not likely to have brought one out, I become suspicious and wonder if there are not more. Mr. Brigham seems to think that, with so large an artifact discovered, there cannot be any others left.

It is not Mr. Brigham's fault that he cannot be more convincing. He has done the best that any one could do with the data at hand, and he has put all his cards frankly upon the table. The trouble is with the data. The indications are in the direction which Mr. Brigham points, but it seems to me that we are by no means ready definitely to recommend legislation. We need ever so much more information and, especially, data collected under better conditions. There is a mountain of statistical material in the army report. That in this case the mountain could bring forth only a timid mouse may be due to the fact that mountains for all their size do not necessarily have leviathans in them.

EDWIN G. BORING.

Indirect Lighting

From McKinley to Harding: Personal Recollections of Our Presidents, by H. H. Kohlsaat. New York: Charles Scribner's Sons. $3.00.

MR. KOHLSAAT'S name is not a household word. You may have seen it, lately, in the Saturday Evening Post, where many of the chapters in this book were published. But Mr. Kohlsaat's deeds are legion.

Turn back to 1897. McKinley has been elected. He is planning the make-up of his Cabinet. Mr. Kohlsaat calls up from Chicago. He is at one end of the wire, McKinley at the other. Mr. Kohlsaat speaking.

> "I have a Secretary of the Treasury for you."
> "Who is it?"
> "Lyman J. Gage, president of the First National Bank. A gold Democrat. He will represent the gold Democrats in your Cabinet. His appointment will show appreciation of their votes, as you would have been defeated without them."
> "Have I met him?"
> "Yes, you met him at a reception given by Ferdinand W. Peck on Ohio Day, at the World's Fair in 1893."
> "Did he have white whiskers?"
> "Yes."
> "Oh, I remember him. Hold the wire a minute. That is an inspiration...."

Whether or not the white whiskers did it, the gold Democrat who wore them got the office. All in the course of the day's work, calling Canton, Ohio, from Chicago, Mr. Kohlsaat put a member in the Cabinet.

And that, we discover from his book, is only one among many exploits to his credit. To be sure, there has been little in Mr. Kohlsaat's own career to commend him to the public eye. He is a newspaper publisher, at one time owner of the Record-Herald in Chicago. And occasionally he has figured publicly in politics. But not in a way that might be called extensive. In 1888 he went to the Republican National Convention as an alternate. In 1892 he went to another Republican Convention, this time as a delegate. Eighteen hundred and ninety-two, however, was something of a tragedy. Mr. Kohlsaat had accepted a place on the Illinois delegation with the understanding that after one ballot had been cast for the renomination of President Harrison, he would be free to vote for whom he chose. "Only one vote was taken, however, and Mr. Harrison was renominated."

Here, then, is an American to all appearances the possessor of a life as ordinary as the next man's. But what a life behind the scenes! History may have little to say about Mr. Kohlsaat. But Mr. Kohlsaat has a great deal. He was the man, he tells us, who put the word "gold" into the gold plank of the '96 Convention—and it was the gold plank that brought victory to McKinley. He was the man who published a five-column drawing of William Jennings Bryan while the Democrats were balloting in Chicago—and "Mr. Bryan told me later he thought the picture had a lot to do with his receiving the nomination." He was the man who censored all McKinley's speeches: McKinley never "made a speech outside of Ohio for seven years without either wiring, telephoning or writing me, and sending me his speeches before delivering them." He was the man who brought Mark Hanna and Roosevelt together, one evening in a dining-car: "All of Roosevelt's

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Commandment I; Exodus xx, 2

I Am Jehovah Thy God, Who Have Brought Thee

Out of the land of Egypt

Out of The House of Slavery

אנכי יהוה אלהיך אשר

הוצאתיך מארץ מצרים מבית

עבדים.

Regardless of what prophets, supposed divines and theologians have said about Jehovah and the Commandments, the fact is that the Commandments were given to all the people. Let, therefore, any one read the First Commandment, quoted above, and be convinced that the plain words of it justify the conclusion that Jehovah is the God, or ideal, of emancipation, of liberty. Let any American citizen, then, compare this rational meaning of the First Commandment with the principles of Americanism. Let any one read the First Commandment and be convinced that the First Commandment is not a Commandment. It does not command. Let it be known that the Hebrew term of "yhvh" is a vowellen, unpronounceable and undefinable word, except for the fact that it (yhvh) designates God that "HATH NEITHER BODILY FORM NOR SUBSTANCE." Let it, therefore, be understood that to think of Jehovah as the ideal of liberty, or as the ideal embracing the principles of the rest of the Commandments, and not as a God creator and ruler of the universe, is equally permissible, since an ideal is something that exists in thought only. Let it be clear to any one that if the First Commandment stands for something, it stands for Freedom in the physical sense; and consequently every lover of liberty is, or at least should be, a lover of Jehovah.

As proof that no one need believe in Jehovah, I offer the following:

(a) There is not a word in the Commandments wherein Jehovah asked man to believe in Him.

(b) Had God wanted man to believe in Him, why did He give man sense, or sense of reason? No sense is required in order to believe.

Nothing but a new religion will bring about an understanding among men and everlasting peace. And that religion shall be Americanism. It should be obvious to every observer that by giving the Commandments a rational American interpretation and by keeping mankind always conscious of the truths of the principles of both the Commandments and Americanism it must naturally result in this: if any reforming, censoring or prohibiting should be necessary it will be done individually and we will benefit collectively.

Does not such a religion deserve the support of every American citizen? Does it not interest you sufficiently to inquire further?

MOSES STEINBERG,
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DUBLIN DAYS

by L. A. G. Strong

A MEMORY

When I was as high as that,
I saw a poet in his hat.
I think the poet must have smiled
At such a solemn gazing child.

Now wasn't it a funny thing
To get a sight of J. M. Synge,
And notice nothing but his hat?
Yet life is often queer like that.

When DUBLIN DAYS first appeared in England several months ago, Mr. Strong was heralded as a poet not of infinite promise but of solid achievement. The London literary critics as one agreed that DUBLIN DAYS was the freshest, most original, and most interesting volume of verse that had appeared in England for many years.

We can only compare its quality with that of A. E. Housman's verse, and suggest that all lovers of "A Shropshire Lad" search diligently for $1.25 the price of this "poetic gem."

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own writings and his numerous biographers tell of his friendly relations with Hanna, but are silent as to how it came about." Credit where credit is due. He was the man who saved many an historic situation: saved New York for Roosevelt, in 1904; saved John Hay from a curt dismissal, 1901; helped save the country from a panic, 1902. Try to think of anything in the last quarter century that Mr. Kohlsaat didn't engineer! The sinking of the Maine? Well no, he was not responsible for that; but a few days later, McKinley wired him to come post-haste to Washington to talk it over. The first air-raid in London? He was there! "I retired about 11 o'clock, and was awakened—" As you read on, you begin to be certain that nothing ever will happen, *can* happen, without Mr. Kohlsaat on the spot. "I sat next to Mrs. Asquith" . . . . "Are my eyes very red, said McKinley" . . . . "Old man, said Roosevelt, I am going to pay you the highest compliment I ever paid anyone in my life."

Once he quarreled with T. R. Apparently with no one else. Quarrels weren't his line. He wanted to commune. On through life he comes, collecting Presidents as other men acquire postage-stamps. His book is more than a biography. For he is the flower of a time-honored American ambition to chuckle with the great. Wanting nothing for himself, he dares to speak what truth he sees. He calls himself, this mirror of refracted majesty, "the brutal friend of Presidents." "Brutal" is not the word that everyone would choose. "Inescapable" is better. C. M.

The Age of Rocks vs. the Rock of Ages

Religion and Biology, by Ernest E. Unwin. London: The Swarthmore Press.

ALL Christendom is divided into three parts—by evolution. First, those who view with alarm. Their faith in the everlasting mercy of God commits them to an equally heroic faith in a certain unquenchable lake. They consign Mr. Darwin and his dupes to this lake—grimly and with evident relish. They are a funny folk. They feed on words. Mr. Bryan writes a curious book, which he christens In His Image. Its phrases make a great impression upon evangelical minds. He tells them "It is better to trust in the Rock of Ages, than to know the age of the rocks," and they cry "Amen."

Mr. Bryan is the high priest of this cult. But priestlets are scattered afar. The lower house of the Oklahama Legislature is full of them. They pass a bill which bans all textbooks in which is taught "the materialistic conception of history, or the Darwinian theory as opposed to the teachings of the Holy Bible." Its supporters are most emphatic. One announces, "I'm neither a lawyer nor a preacher, but a two-horsed layman and I'm against theory called 'science.'" Another pounds his desk and shouts, "I promised my people at home that if I had a chance to down this hellish Darwin heresy that I would do it!"

Second, there are those who accept evolution—with reservations. They are open-minded, but they serve notice that a No Fishing Here sign is hung over certain doctrines. They list such items as the Virgin Birth, the person of Christ, the nature of sin, the special creation of man's spiritual nature. Having affirmed—and reserved—they are convinced of their breadth. They believe in evolution—but they wouldn't think of glorying in it. Like the processes of sex and reproduction, it is probably inevitable, but—O Lord, let's not talk about it—let's not brag about it.

A third group gradually wins its place. The members of this group are enthusiastically Christian in their enthusiasms, and at the same time, find a wealth of spiritual suggestion in evolution. Mr. Unwin has contributed a suggestive brief for this third group. There is no grudging loyalty here—either to religion or science. He finds in each an aid and complement to the other. He finds in the evolution story an "onward advancing melody"—to borrow Lotze's phrase.

He sketches the evolution story with sympathy and skill, stressing the progress which is inherent in the life of things, the emergence of "mutual aid," and the various factors which lay a physical basis for ethical idealism. He finds in the whole orderly process, with its panorama of divine method, a rebuke for those who "seem to think that only if unbridgeable gaps exist, can they believe in God . . . and . . . try to justify their belief in God by postulating the need for some power to jump over these gaps."

What is the purpose of evolution? Mr. Unwin finds the answer in man's own sense of divine meaning. So religion "working downwards from man's personal experience of God should find its confirmation in the contribution from the scientific aspect, which, if we may use the metaphor, works upward to meet it." Science aids religion for "the work of the scientist should provide a highway leading to a place of vision, from which the spiritual faculties enable one to catch sight of the city of God." This is the purpose of evolution—"Man—but what man?" Man as we know him? No—but the man which is to be. Man, the very son of God. Evolution gives the slant. Religion furnishes the daring.

And the problem of evil. The story of evolution is "a-throb with purpose and the purpose is the rise into self-determination." Evolution moves toward freedom. This becomes ever finer until "man, a spiritual being in touch with the spiritual source of power and life, is able to make a conscious choice, and stand for the good, the beautiful and the true in the face of all the consequences, coming into the freedom for which he has been destined, the freedom of a son of God." Sin thus becomes the failure to continue the evolutionary struggle.

The third group, to which I have referred, will welcome Mr. Unwin's book. He has preserved a respectable balance between theological fervor and biological zeal. This kind of thing will help to banish the "half-gods."

And, Mr. Bryan, why not buy it? And then send a few copies to those Oklahomans.

HUBERT C. HERRING.

Contributors

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